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Stop Criminalizing Communities of Color in the United States

In the United States, policing policies, immigration law enforcement, and exponentially growing incarceration rates all disproportionately impact persons of color and harm families and communities. The United Methodist Church must work to dismantle policies that assume whole groups of people are criminals and encourage public acceptance of the injustices of racial profiling (2008 *Book of Resolutions*, #3378), mass incarceration, and disenfranchisement of entire communities demonized as a threatening “other.”

Economic Crisis and Demonization of Communities

Globally and within nations, including the United States, there is a widening gap between rich and poor (2012 *Book of Resolutions*, #4052 and #6028). To maintain order amid this wealth and resource inequality, governments increasingly enact policies that divide workers and exploit migrant labor, as did Pharaoh in the biblical story of the Exodus. The Book of Exodus opens with Pharaoh looking over the land of Egypt and seeing a people growing in strength and number; he becomes fearful.

“He said to his people, ‘Look, the Israelite people are more numerous and more powerful than we. Come, let us deal shrewdly with them, or they will increase and, in the event of war, join our enemies and fight against us and escape from the land’” (Exodus 1:9-10).

Pharaoh did not fear other peoples or migrant labor but rather, he feared that a mixed multitude of Israelites, impoverished Egyptians, and “enemies” would unite (Exodus 12:38) and rise up to free themselves from exploitation. As in Pharaoh’s day, today’s governments use fear-based policies to divide and to control populations that might otherwise challenge the growing concentration of wealth and resources in the hands of a few.

Today, invoking the crises language of national security—“the war on drugs,” “the war on illegal immigration,” “the war on terror”— the U.S. government, like Pharaoh, has targeted poor, racial, ethnic, migrant, and other marginalized communities of color for selective enforcement of statutes, and thus criminalized entire communities.

Waging “war” on communities of color

The 40-year-old “war on drugs” has had a devastating impact on communities of color in the United States. In 2012, 23.9 million Americans, ages twelve and over, and of all races and socioeconomic levels had used an illicit drug or abused a medication, according to the National Institute on Drug Abuse (National Institute on Drug Abuse, 2015). But the “war on drugs” has not been waged across all races and socioeconomic levels; it has been waged through systemic selective law enforcement targeting African Americans, Latinos, and Native Americans (2012 *Book of Resolutions* #3042, #3376, and #5033) in settings that vary from traffic stops, SWAT-type raids on homes and grocery stores, and stop-and-searches of people going about their daily tasks.

Policies like New York City’s “stop and frisk” and “broken windows” policing have empowered officers to detain and search pedestrians without probable cause and make arrests for minor infractions. In 2013, 88 percent of the nearly 200,000 persons “stopped and frisked” by the New York Police Department were innocent civilians; 85 percent of those stopped were Black and Latino, and 11 percent were White (New York Civil Liberties Union, 2015). These policies subject hundreds of thousands of innocent people of color to routine abuse, public humiliation, injury, and even unprosecuted deaths for some (Harris-Perry, 2014).

Similarly, children of color are punished more severely and more frequently than their white classmates (U.S. Department of Education, 2014), making school suspensions and expulsions “stops” on the “school-to-prison pipeline”—pushing children out of school and onto troubled streets and then off to prison.

Such over policing erodes community trust in law enforcement and sends a clear message to police that not all Americans are equal under law, as people in targeted communities do not have the same constitutional protections other Americans enjoy (Alexander, 2010).

Targeting migrants

This criminalization of entire communities is being expanded today in the name of a so-called “war on ‘illegal’ immigration” and “war on terror.” As with the “war on drugs,” citizens and migrants alike in “immigrant” communities are subjected to racial profiling and suspension of basic rights. Migrants are being arrested and held in prisons in a growing network of “detention centers,” many private for-profit institutions.

Roundups targeting specific communities of color, such as Immigration and Customs Enforcement (ICE) raids or drift-net arrests (this refers to police sweeps within a specific community and arrests without probable cause designed to catch potential criminals), sweep up large numbers of people without probable cause often for nonviolent offenses. In the process, more than 5,000 migrant parents have permanently lost custody of their children as detention court and family court policies collide (Race Forward). When migrants who have been deported seek to reunite with their families, they face felony charges for reentering the United States. More than 25,000 migrants with these and other nonviolent convictions are detained in thirteen private prisons under the “Criminal Alien Requirement” program, costing taxpayers billions of dollars every year.

Mass incarceration

The criminalization of communities of color includes mass incarceration. The “war on drugs” has played a critical role in the escalation of U.S. incarceration rates. From 1970 to 2009 the U.S. prison population grew more than 700 percent (American Civil Liberties Union, 2015) so that today, with only 5 percent of the world’s population, the United States incarcerates 25 percent of all prisoners in the world. This makes the U.S. the world’s largest jailer. More than 60 percent of the people incarcerated in U.S. prisons are people of color. Nearly half of federal prisoners (48 percent) are incarcerated for drug offenses (Federal

Bureau of Prisons, 2015). Nearly half of state prisoners (47 percent) were convicted of nonviolent drug, property or public order crimes (The Sentencing Project, 2015).

Migrant communities also find themselves in the tight grip of mass incarceration promoted by a growing prison industry, which includes the multibillion-dollar business of detention and deportation. In 2010, private companies in the United States operated more than 250 correctional facilities, housing almost 99,000 prisoners. These companies regularly lobby Congress for more detention and mandatory sentences as they profit from increased incarceration and extended sentences, even if this is not the most effective use of taxpayer dollars (Detention Watch Network, 2011). U.S. Immigration and Customs Enforcement (ICE) detains an average of 34,000 immigrants each day, three times the number detained in 1996. In 2012, about 400,000 immigrants were detained, costing taxpayers \$1.7 billion at an average of \$122 a day per bed (Carswell, Sarah; Grassroots Leadership; Detention Watch Network, 2015). As of 2015, a congressionally mandated bed quota *obliged* ICE to incarcerate 34,000 immigrants in detention at any given time or pay private companies in any case (Detention Watch Network, 2015).

Both citizen prisoners and migrant detainees are frequently held in facilities far away from their families and legal counsel, placing tremendous hardship on loved ones and their ability to legally fight for their freedom.

Impact on women and children

Women of color—citizen and migrant—are at the crux of the mass incarceration of people of color. African American and Latina women make up the fastest growing population in U.S. prisons and jails (The Rebecca Project for Human Rights). Nearly 25 percent of women in state prisons are there for nonviolent drug-related offenses (Carson, 2015). Fifty-six percent of female prisoners are mothers (Glaze & Maruschak, 2015).

Women in prison and detention face sexual harassment and sexual abuse, as they struggle to keep families together. Women who face abuse in prison and detention fear speaking out and cannot flee. Both

imprisoned and detained women have been chained and shackled during childbirth. Most incarcerated women were first survivors of sexual and physical abuse.

Ending the Torture of Solitary Confinement

Once incarcerated, the conditions of confinement for many people of color continue to follow a pattern of bias, as exemplified by the use of solitary confinement in jails, prisons, and immigrant detention centers. According to the Bureau of Justice Statistics, on any given day, roughly 80,000 incarcerated adults and youth are held in solitary confinement in the United States. A disproportionate number of them are people of color (Schlanger, 2013). Prolonged solitary confinement in U.S. prisons constitutes torture and violates the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

Solitary confinement also impacts immigrants confined in civil detention. Women are placed in solitary confinement in retaliation for reporting incidence of rape.

Ongoing punishment after incarceration

The impact of the criminalization of communities of color does not end after incarceration. Rather, upon their release from prison, people with a felony conviction begin a lifelong sentence of second-class citizenship, stripped of their right to vote, facing legal discrimination in employment and housing, and banned from accessing government services such as tuition assistance, food stamps, housing, and more. Such experiences are described in Michelle Alexander's *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*.

The United Methodist Church's Response

The United Methodist Church affirms the inalienable human rights of all persons. The Charter for Racial Justice calls us to challenge institutional racism. Also, The United Methodist Church's *Social Principles* (§164H) calls United Methodists to practice restorative justice, seeking alternatives to retribution and restoration of right relationships among all God's people. So, The United Methodist Church calls on local and national governments to:

- Stop the criminalization of communities of color and the cacophony of “wars” being waged against these communities.
- Make the enforcement and protection of international human rights law central to criminal justice and immigration policy.
- End racial/ethnic/religious profiling by law enforcement officers and end “zero tolerance” policies in schools.
- Suspend ICE raids, end family detention and ALL incarceration of children in compliance with the United Nations Convention on the Rights of the Child. Keep families together.
- End local police involvement in immigration enforcement (2012 *Book of Resolutions*, #3281).
- End mandatory sentencing laws and mandatory detention policies, and affirm judicial discretion in sentencing and deportation rulings.
- Restore the full citizenship rights, including the vote, to U.S. citizens with felony convictions; remove barriers to their employment and ability to secure housing and supportive services. Provide education and job creation so they can rejoin society.
- Repeal employer sanctions and other measures that criminalize undocumented migrants seeking work.

The United Methodist Task Force on Immigration, representing the Council of Bishops, Agencies, and racial/ethnic caucuses should work to:

- Affirm the humanity and inherent dignity of all who are under correctional control and examine links between criminal justice and immigrant enforcement policies as they impact communities of color.
- Challenge the criminalization of migrants in the United States and globally by engaging annual and central conferences in advocacy. Build alliances with ecumenical and secular groups.

General Board of Church and Society, General Commission on Religion and Race, the General Board of Global Ministries, and United Methodist Women should:

- Develop local church resources on this issue with U.S. and international groups.

- Work with Central Conferences to deepen research, analysis, and action on global migration policies.
- Mobilize congregations to challenge private prisons and detention centers, and to advocate the release of prisoners held for nonviolent offenses.

Annual conferences and local congregations should:

- Challenge police engagement in immigration enforcement.
- Call United Methodists to discernment on these issues through use of the Wesleyan Quadrilateral, as well as the frameworks of human rights, racial justice, and restorative justice. Use a critical lens regarding mass media (See Resolution 8011, “Proper Use of Information Communication Technologies.”)
- Engage with churches and local communities in speaking out publicly for police accountability regarding racial profiling, misconduct, abuse, and killings.
- Work to end the use of solitary confinement.
- Provide reentry ministries for people released from prison.

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