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Curriculum Units by Fellows of the National Initiative
2019 Volume II: The Problem of Mass Incarceration

Confronting Mass Incarceration in Tulsa

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Introduction

June 8, 2018 was a notable and sad day for the state of Oklahoma. That was the day newspapers across the state proclaimed in bold letters that in addition to having the highest rate of female incarceration for years, Oklahoma now had the highest overall rate of incarceration as well, giving it the rather dubious title of “the world’s prison capital.” Further, if you were to treat Oklahoma as though it was a nation, it had the highest rate of incarceration in the world. While this knowledge has inspired many to act to reduce both of these rates, they have found it a complex undertaking. Any and all solutions to our problem of mass incarceration require at least as much time and as many strategies as all of the contributing factors took that caused Oklahoma to reach this low point.

It can be difficult to be optimistic amidst the negative press, but people are noticing these depressing statistics and are working toward affecting positive change. Oklahoma’s new governor assumed office in January 2019, and during his inauguration speech, Governor Stitt specifically discussed the need to address incarceration. This curriculum unit heeds Gov. Stitt’s call and empowers youth to join their adult counterparts to find and create effective solutions to Oklahoma’s incarceration problem.

Classroom Context

I teach junior high Gifted and Talented (GT) students at four buildings spanning three sites in my district in Tulsa, Oklahoma. While it varies a bit school-to-school, each of the student populations are majority non-white (three buildings skew Black; the other, Hispanic) with just under 10% each Native, Asian, and “More than One Race”. Each of my sites has nearly 100% of students qualifying for Title I services and has a higher-than-average number of students served by an IEP. Each school has many students who are homeless, are in the foster care system, and/or have been adjudicated. Academically, there is a wide interest and experience range among the GT students I serve. Many of my students are identified as academically gifted, the majority of my students are identified as having a specific academic talent, and a few of my students are identified as having exceptional creative ability, visual/performing arts ability, or leadership ability.

Gifted and Talented students as a group are generally more sensitive and perceptive than their age-peer counterparts, so they are keenly aware of their surroundings and how it impacts their lives. Even without seeing data, every one of my students knows someone who is or has been incarcerated (a few have been themselves) and can readily offer a backstory for the person's situation. The combination of their sensitivity and personal connection to the justice system results in students who are both emotionally impacted by incarceration and capable of solving it. This unit will focus on combining my GT students' ability and anecdotal knowledge, adding knowledge of relevant data and attempted solutions, and then creating better or new solutions to the problem of mass incarceration in Oklahoma. While this unit will be written for my GT junior high students, it could be used with higher-grade on-level students or as a dedicated Project-Based Learning opportunity as well.

Pedagogical Philosophy

In my role as a GT teacher for the particular schools I serve, my teaching philosophy is best described as being Constructivist viewed through a Humanist lens. That is, in order for my students to best learn and grow, I have to actively value my students' humanity and believe that they possess the ability to learn, and that they can and will create their own meaning and knowledge after being guided through new situations. My role as a teacher is to expose my students to as many ideas and situations as I can, guide them through processing and interpreting the new experiences, and then allow the students to determine how what they discover fits (or doesn't) into their existing schema and decide what they would like to do with their new-found knowledge. Looking at data for mass incarceration and evaluating and creating solutions for it is not something my students are currently doing in school, and it is an excellent opportunity for my students to process new ideas to help the community.

Curriculum Context

For each of my schools, I serve as an ungraded pull-out service from an elective class. I also consult with the core curriculum teachers to discuss meeting my students' expanded needs and will occasionally pull a student from a core class for additional services if it will benefit them. We have a dedicated Scope and Sequence for our Gifted & Talented students in my district, and we regularly review it to make sure that it is supported by current research and is interesting for students. It was intentionally crafted to allow time for teachers to insert other lessons as needed to meet the needs of their particular set of students. That, combined with the fact that my role is not connected to any specific core or elective class, means I have the freedom to meet my students' needs wherever they lie. This curriculum unit can serve as an option for middle school/junior high GT teachers to fulfill a critical thinking, researching, and community action requirement.

Content Background

The purpose of this unit is to have students learn about and form an opinion on an aspect of mass incarceration and then eventually work toward an action plan to address it. This extremely broad topic needs to be focused and narrowed so that students aren't overwhelmed. A useful tool to complete this edit is Frost, Clear, and Monteiro's "Six (Not-So) Radical Policies for Rapid Decarceration" found in the book *Decarcerating America*. These policies include: "Don't Send People to Prison for Drug Crimes," "Eliminate Mandatory Sentences," "Bring Down the Length of All Sentences," "Reduce or Eliminate Recidivism Enhancements," "Age Should Matter and All Criminal Records Should Expire," and "Stop Returning People to Prison for Technical Violations."¹ Of their six proposed policies, this unit will focus on the first three: alternatives to prison for drug crimes, eliminating mandatory minimum sentences, and reducing sentence length to promote reentering society.

The selection of these particular three proposals is based on local observations. The Vera Center on Sentencing and Corrections was commissioned by Tulsa County to evaluate the reasons behind the inmate population growth and overcrowding at the Tulsa County jail and they arrived at six similar recommendations. Their list includes reducing admissions and lengths of stay for lower-level charges, reducing unnecessary pretrial incarceration, creating an individualized pretrial release process that is not based on one's ability to pay bail, reducing lengths of stay by expediting simpler cases and identifying and reducing unnecessary case processing delays, ensuring that incarceration alternatives and diversion programs are accessible, reducing admissions for failures to pay and applications to accelerate and revoke, and expanding oversight and accountability.²

All these aspects of mass incarceration can be traced to a specific time in U.S. history. In 1964, Barry Goldwater's speech accepting his RNC nomination for presidential candidate explicitly focused on crime and disorder, and this speech is commonly credited with triggering the "war on crime" and the subsequent events that led to our current epidemic of mass incarceration. While Goldwater ultimately lost to Lyndon B. Johnson, Goldwater's message to focus on criminal justice reform resonated across a nation that felt plagued by crime. President Johnson's takeaway from Sen. Goldwater's nomination acceptance speech was that America wanted a tougher stance on crime, so after his election he appointed a blue-ribbon commission in 1965 to understand the causes of crime and how the nation should best respond to it. ³

Part of the commission's charge was to complete a core study on crime, which was divided into seven sections: "preventing crime, attempting to rehabilitate offenders, eliminating unfairness in the justice system, training police and other personnel better, expanding research on crime, spending more money on the justice apparatus, and [citizens] getting more [involved in producing change]."⁴ The results of this 1967 core study on crime had many positive implications that we take for granted today, including the creation of a national 911 call system and a juvenile court that is separate from the adult court system, but it also heralded the beginning of the uptick in mass incarceration. It is logical, then, that this unit would draw from the study's findings to attempt to end mass incarceration. Students will use contemporary crime statistics and research to generate new ideas to help rehabilitate offenders and eliminate unfairness in the justice system, which honors the core study's original underlying philosophy that responsibility for change belongs to us all. First, though, students need to understand why these entities all want to focus on prison alternatives for drug crimes, eliminating mandatory minimum sentences, and reducing overall sentence length to promote a smoother transition back into society.

Prison Alternative for Drug Crimes

The first of these three proposed policies is to provide options other than prison for those accused and/or convicted of drug crimes. There is no personal or societal benefit to putting a person in prison for drug issues; in fact, there are really only negative outcomes. The person is not put in a position to get clean and free of their problematic substance, and the person must endure incarceration and its negative after-effects once they are released. Susan Burton, now founder and executive director of A New Way of Life in Los Angeles, turned to drugs for comfort after the sudden and tragic death of her young son. She cycled in and out of prison six times for the better part of two decades for possession. As she notes in her memoir, “You’d think someone in the system might have gotten the bright idea that I needed drug treatment, that I needed therapy. But I was never offered help, and I didn’t know how to ask for it because I didn’t know what to ask for.”⁵ It would be difficult to argue the position that prison didn’t hurt Ms. Burton, and nearly impossible to argue that it helped her.

Ms. Burton’s story isn’t unique, and in fact, hers is one example of the larger issue of a distinct gender disparity in drug convictions. While women are less likely to have a charge involving violence than men are, women are 10% more likely to have a charge involving drugs.⁶ In his book *Locking Up Our Own*, James Forman, describing his time as a public defender in Washington, D.C., describes the situation of Tasha Willis, a client who sold a small amount of heroin to an undercover officer to support her habit. Her story of addiction mimics those of so many in the U.S.: she suffered an on-the-job back injury that led to a dependence on opioids that evolved into a heroin addiction. The prosecutor in her case felt that despite the research on the variety and refinements of treatment types usually required before a person is “clean” and ready to fully enter society,⁷ Ms. Willis’s one unsuccessful attempt meant that she needed prison instead of a second chance to get sober.⁸ Certainly a more human-centered approach is called for, in order to best help Ms. Burton, Ms. Willis, and countless others in similar situations.

Michelle Alexander, in her book *The New Jim Crow*, offers a useful suggestion: “Referring a defendant to treatment, rather than sending him or her to prison, may well be the most prudent choice--saving government resources and potentially saving the defendant from a lifetime of addiction.”⁹ In Tulsa, one such an alternative opened in May 2018. In the Sobering Center, a modern, humanized version of old-time “drunk tanks,” a person who is detained by a police officer for public intoxication (and no other crimes) can choose to go to the Sobering Center for a minimum of 10 hours to be held in a safe, clean place while they recover. While there, counseling is available, and information about rehabilitation services with 12 & 12 can begin immediately if the person so chooses. Either way, the person is released at the end of the holding time without having any criminal charges filed, or a record of arrest; furthermore, the person can also choose confidentiality while there. They are then either picked up, released with a cab token, or are released to a homeless shelter if needed. The Sobering Center aims to reduce the jail burden and police time and expenses previously associated with arresting these people.¹⁰ In its first year of operation, the Sobering Center housed 767 people, only 47 of whom visited twice. Seventy-three people chose to attend detox treatment after their stay, and 32 of those completed treatment. Both Tulsa’s mayor and deputy police chief have expressed their encouragement at finding an alternative to sending these people to prison.¹¹

The homeless population is particularly vulnerable to drug abuse, which is why it is in the Sobering Center’s release plan and partly why Tulsa’s mayor G.T. Bynum made reducing Tulsa’s homeless population a priority when he took office in 2016. The National Coalition for the Homeless notes that “substance abuse is much more common among homeless people than in the general population,” and that it is “both a cause and a

result of homelessness.”¹² To help solve this problem, A Way Home for Tulsa (AWH4T) opened in January 2015 with a mission to prevent and end homelessness in Tulsa. As of July 2019, they have housed 1,185 different individuals including 333 chronically homeless and 863 veterans. AWH4T has also surveyed many homeless and housing insecure individuals and found a circular relationship between this group and those who are incarcerated.¹³ By assisting the homeless population and reducing it, the incarcerated rate in the Tulsa area due to intoxication and drug charges should follow suit. It is heartening that Tulsa is beginning to look at different ways of countering drug use and its context, rather than automatically sending people to prison.

Eliminating Mandatory Minimums

The second of the three proposed policies this unit will focus on is eliminating mandatory minimum sentences. The dilemma faced by Tasha Willis was made possible by harsh sentencing laws that had been enacted in Washington, D.C. in 1982. Initiative 9 was a mandatory sentencing proposal that focused specifically on firearms and drugs, and it paved the way for “tough on crime” mandatory minimum sentencing laws across the nation.^{14, 15} History has shown that mandatory minimums did not alleviate crime at all. Frost, Clear, and Monteiro note that they don’t deter crime either. In fact, “swift and certain sanctions rather than severe ones” are much more effective than waiting until the sentencing phase of the justice system.¹⁶ Instead of mandatory minimum sentences, there needs to be a focus on shorter sentences and reentering society. The public agrees with this sentiment as well. A recent PEW poll revealed that citizens now believe that we not only have too many people in prison, we spend too much money incarcerating them. Further, respondents said they wanted to divert people to programs rather than prison, and wanted to reduce prison time.¹⁷

Judges support the elimination of mandatory minimum sentences, as well. Alexander (2012) recounts the opinions of several judges, even those who self-identify as handing down harsh sentences, who believe that mandatory sentencing laws are tantamount to cruel and unusual punishment. She even identifies several judges who refused to continue to hear drug cases, and a few who went as far as to quit the bench in protest of enforcing what they believed were unjust laws.¹⁸

The state of Oklahoma is in the midst of taking a bold step towards eliminating mandatory minimum sentences and reducing sentence length. State Question 780 circulated via petition in 2016 and was passed by voters with its sister bill SQ 781 in early 2017. SQ 780 raised the threshold of cost of certain property offenses to qualify as felonies and converted several simple drug possession charges from felonies to misdemeanors, eliminating several mandatory minimum sentence requirements that had been enacted in the wake of Washington D.C.’s Initiative 9 in 1982. Its companion bill SQ 781 took the savings created by SQ 780 and split the money to counties (according to population) with the money to be used for counseling programs, etc.¹⁹ In a rather surprising move in a state that relishes its “tough on crime” stance, in 2018 House Bill 1269 was proposed, which made SQ 780 retroactive through record expungement.²⁰ Gov. Stitt signed this bill into law in May 2019 and will become effective November 1, 2019. There has of course been some push-back regarding requiring relatively expensive expungement, and the process is much slower than it could and should be, but this bill has had a positive reception all across the state and is perceived to be a step in the right direction of eliminating mandatory minimums.²¹

Reducing Prison Sentence Length

The third of the proposed policies aims to reduce overall prison sentence length, with a focus instead on strategies to reduce recidivism via interventions and transition programs. Alexander (2012) notes that “a

lengthy prison term may increase the odds that reentry will be extremely difficult, leading to relapse, and re-imprisonment.”²² In any discussion about the impacts of sentence length, however, there is an ever-present gender element, due to women’s disproportionate role in taking care of others and their unique physical and medical needs.

Since there are fewer incarcerated women than incarcerated men, there are fewer facilities to house them. This makes sense--you wouldn’t want to have more facilities for women than men if there are fewer of them. An unfortunate consequence is that many women have to serve their sentences far from home, and they will have difficulty maintaining contact with their families as a result.²³ More than half of incarcerated women were living with their minor children when they were arrested, and many of them were single mothers.^{24, 25} The imposed physical distance between the incarcerated mother and her child(ren) poses a significant effect on the children who are left behind that can be very traumatic for both them and their incarcerated mother.²⁶

The Human Rights Watch issued a report in 1991 outlining their recommendations to ensure that prisoners are treated humanely and that they do not leave prison more dangerous than when they entered. Among these recommendations are calls to make sure that prisoners maintain bonds with family while they are incarcerated; they suggest doing this by ensuring access to phones, visitors, furloughs (when possible), and confinement as close to home as possible. These recommendations also help reduce the chances that those who leave prison are not reincarcerated.²⁷

Minor children aren’t the only ones impacted when women are incarcerated. Women are also more likely to be caregivers for older family members as well, and incarceration risks disrupting their care. Tasha Willis, the woman who sold heroin to an undercover officer, was willing to plead guilty but was adamant that she couldn’t accept the prosecution’s proposed plea deal of five years in prison, saying she couldn’t leave her mom for that long.²⁸ This concern brings to the forefront the questions of who is truly being punished when we incarcerate someone, and exactly what justice is being served?

While Tulsa Public Schools does not keep data on how many students have or had a parent who is incarcerated, nationwide data shows us that in 2008--years before Oklahoma worked its way into the record books--2.7 million students had at least one parent who was incarcerated. This translated to one in every 28 children, or 3.8%. The numbers are more devastating for Black children. The same study showed that one in 9 children had an incarcerated parent, a number that had more than quadrupled over the previous 25 years.²⁹

Several students have privately disclosed that they have a parent who is incarcerated, and most of the time it is their mother, and it is usually for drug-related issues. I hope that when seeing the statistics for women who are incarcerated, students feel comfortable personalizing the numbers and are interested in learning more about an issue that impacts them so intimately.

Women also have unique issues and needs, including pregnancy and menopause, and have more likely to have experienced abuse, trauma, substance abuse disorders, as well as mental health problems. Our penal system was not built to accommodate these needs.³⁰

Oklahoma Governor Kevin Stitt took office in January 2019, and there was optimism for stemming mass incarceration, particularly pertaining to women, built into his inauguration speech. In it, he shared the personal struggles and triumphs of Rhonda Bear, founder and program director for Women in Transition in Claremore, Oklahoma. She runs a halfway house program that offers women employment in She Brews, a local coffeehouse created to assist women in transitioning back to society after being incarcerated or

recovering from drug addiction.³¹ Since her release from prison, Ms. Bear has been a vocal advocate for reducing the length of prison sentences for women convicted of non-violent crimes so that they can reintegrate into society more effectively.³² The story of Susan Burton's incarceration and founding of A New Way of Life in Los Angeles is very similar to Ms. Bear's. What started as a safe home for women in South Los Angeles after their release has grown and expanded into the Sisterhood Alliance for Freedom and Equality (SAFE) Housing Network, which has homes in New York and at Cal State-Fullerton, as well as free legal clinics, policy and rights advocacy, as well as leadership training and grassroots organizing.³³ Both Ms. Bear and Ms. Burton are working to reduce recidivism by empowering women to make positive changes in their lives.

There are also more direct approaches that can be taken to reduce recidivism. A Serious and Violent Offender Reentry Initiative (SVORI) Program was evaluated for effectiveness, and it was found that their "Reentry" participants were less likely to return for new convictions than those who did not participate in the program in conjunction with their release. This SVORI Program began when the participant had a year to eighteen months left in their sentence with substance abuse counseling and workforce development programs. Once the participant was released from prison, they had a team of community providers that helped them transition back into society and was complete with a kind of graduation ceremony for those who completed the year-long program.³⁴ These suggestions, along with Frost, Clear, and Monteiro's Policy of not returning people to prison for technical violations would be a big step towards helping people smoothly reenter society less likely to be incarcerated again.³⁵

Prison Statistics vs. Population Statistics

The three policies listed above that are adopted from *Decarcerating America*--not sending people to prison for drug crimes, eliminating mandatory minimum sentences, and reducing the length of all sentences--are focused on changing what happens in the future. In order to effectively enact any of these changes, though, a clear understanding is needed of problems and inequities endemic to our current criminal justice system.

According to the Prison Policy Initiative, for every 100,000 people in Oklahoma, 1,079 of them are currently incarcerated, which means there are 43,000 people currently in some level of jail or prison. The Prison Policy Initiative notes that this rate far outpaces several notoriously authoritarian regimes, countries that have had serious internal armed conflicts, and countries with murder rates that more than double ours.^{36, 37} Pettit and Western assert that the six-fold increase in the national penal population between 1972 and 2000 had the effect of making prison seem like "a normal part of the early adulthood", and with such outrageous penal statistics, it can certainly feel that way in Oklahoma.³⁸

The increase in Tulsa County incarceration rates are similar to that found in Oklahoma as a whole. The per capita jail incarceration rate of county residents aged 15 to 64 at David L. Moss Criminal Justice Center increased by nearly 200 percent from 1970 to 2016, and has grown 43 percent since 1999, when the current county jail opened. The Vera Center report attributed this growth to the expanded use of pretrial detention and to the practice of incarcerating people in jail while their case is proceeding in court, before any conviction or sentence, as being primarily responsible for this increase. They linked this to the fact that Tulsa's pretrial jail incarceration rate increased 70 percent from 1999 to 2014, and has continued to increase even since then.³⁹

When discussing the how many and who are incarcerated, it is impossible to ignore the proverbial elephant in the room: there is a significant ethnic/racial disparity among those who are incarcerated. Theoretically, the general population ethnic/racial breakdown of Oklahoma's nearly four million residents should be similar to

the breakdown of the incarcerated population, but that's not the case. As can be seen in the chart below, to mirror the state's demographics, there should be significantly more White people incarcerated and fewer Hispanic people. Most notably though, Black people are nearly three times more represented in the penal system than the state as a whole. I hope that when my students see this data, they are curious about what they see. I anticipate them asking why this racial disparity exists, as well as how long it's existed and if these disparities exist in other places.

| Race/Ethnicity | Percentage of Incarcerated Population | Percentage of Total Oklahoma Population |
|----------------------|---------------------------------------|---|
| White (Not Hispanic) | 49 | 69 |
| Hispanic | 15 | 9 |
| Black | 26 | 9 |
| Native American | 8 | 7 |

This table compares the racial/ethnic makeup of incarcerated people in Oklahoma to the racial/ethnic makeup of the overall population of Oklahoma.

Source: 2010 U.S. Census

Female Incarceration

Another question I anticipate students asking when they see the percentages above is whether the percentages reflect males, females, or both. While the numbers are indeed for the whole population, unfortunately for Oklahoma, the state has been notorious for its proportion of female prisoners as well, and for a much longer period of time. The population of female prisoners in Oklahoma rose more than 20% between 1995 and 2001 and has been the highest in the United States since then.⁴⁰ While it is difficult to obtain true data on women prisoners due to inconsistencies among various reporting agencies, it is estimated that there are approximately 281 women incarcerated for every 100,000 women in Oklahoma. This is more than double the 133 average rate for the United States and is higher than every other country, including El Salvador, a country that still routinely imprisons women for having a miscarriage.^{41, 42} Precise Tulsa County jail numbers are easier to find. According to the Vera Center on Sentencing and Corrections, in 1970, there was an average of eight women in the [Tulsa County] jail on any given day; by 2016, that number had climbed to 280, an overall increase of 3,400 percent."⁴³

Female imprisonment in the U.S. has been very high for over twenty years. In 1980, there were roughly 12,000 women incarcerated, and by 1999 that number had ballooned seven-and-a-half times to over 90,000. By 2003, the U.S. held up to ten times the number of women prisoners in all of Western Europe combined.⁴⁴ Similar to the men's incarceration rate, there is a racial disparity in women's incarceration. There are nearly twice as many Hispanic women and nearly three times as many Black women incarcerated as White women.⁴⁵

No solution to the problem of mass incarceration can be proposed or enacted without considering how race/ethnicity and gender disparities will be affected. Further, it needs to be acknowledged that these problems took a long time to reach their current proportions, and will therefore require considerable time and dedication to solve them. Stephanie Horten, director of Tulsa County's Criminal Justice Collaborative, said many of the reforms in the Vera report are "huge systemic changes" that will take some time. "We all want a just and fair criminal system...and we want to avoid incarceration when it's not a threat to public safety. And we all agree on that. It's just how we get there."⁴⁶ Ideally my students will be able to provide plans to help.

Unit Content

This unit will focus on student-generated solutions to the problem of mass incarceration in Oklahoma. Students will complete a data analysis protocol using Tulsa and Oklahoma-specific incarceration data to determine what they view as problematic. More specifically, students will view summaries of the data and research listed earlier; in particular, Prison Policy's report (Wagner and Sawyer, 2018) 2010 U.S. Census information, Vera Center on Sentencing and Corrections report for Tulsa County (Fishman et al, 2018), and female incarceration rates (Sharp). Students will then evaluate current local initiatives aimed at reducing incarceration and develop their own potential solutions for it. Ultimately, students will present their proposals to audiences who are in a position to help launch them; particularly, Tulsa's Mayor G.T. Bynum and at the John Hope Franklin Reconciliation Symposium next May, along with any other interested elected officials or philanthropic organizations.

Students learn best from authentic learning experiences, and of the many "real-life" issues that touches each of my students, mass incarceration is one of the most newsworthy. The United States has had the highest rate of incarceration in the world for a while now, and Oklahoma has had the highest rate of incarceration of female prisoners for several years. A few years ago, Oklahoma passed Louisiana to have the highest overall incarceration rate as well, so our numbers in Oklahoma are higher than other entire countries.

All of my students are touched by the monster of mass incarceration in some way. Whether they have been adjudicated themselves, or they have a family member or friend's family member who is or was incarcerated, each has been affected. It isn't something that is openly discussed between teachers and students though; it is more of a known factor that results in many students having unstable home support and many more utilizing social services and counseling services, which are both fortunately available at each of my school sites.

Schools and teachers want students to be active members of the community, and for students to feel empowered and knowledgeable enough to spur positive change. There are few opportunities that exist beyond after-school programs for students to do this, though, and I want all my students to learn to help their community even if they can't attend after-school programs. To accomplish this, the unit will include critical reading, writing, community outreach, and collaborative problem-solving.

Teaching Strategies

Word Wall

Facing History and Ourselves recommends Word Walls as a relatively simple and low-time investment strategy for students to keep important terms at the ready. You simply post important terms (perhaps also with their definitions, correct sentence usage, and/or pictures) on a dedicated wall space. I hold class with my GT students at most twice a week, so this is a particularly useful way to keep vocabulary organized and present throughout the unit.

K-W-L

It can be difficult for students to identify exactly what they have learned during the course of a unit, so a time-tested strategy like a K-W-L chart is useful to use. Students identify what they Know and what they Want to know at the start of a unit, and then reflect on those elements to identify what they Learned at the end of the unit. This can be done via individual handout, like what is available from Facing History and Ourselves, or as a class on chart paper or a white board. The NEA has useful examples and guiding questions available in their resources, as well.

Reading Statistics

In addition to preparing students for Algebra, the U.S. Census encourages teachers to expose students to real-life statistics about the world around them to help them to understand where we are, as well as to wonder how we got here and where we are headed/should be headed.

Creating Visual Representations of Data

The National Center for Education Statistics encourages students to create their own “illustrations” of data so that others can better understand the point they are trying to make. Further, learning to create their own graphs and charts helps students understand others they encounter in the world. The NCES features an easy-to-use online graph creator designed to be used with students.

Data Analysis Protocol

Asking students to analyze data and statistics is an effective way to encourage inquiry-based learning. Junior high students generally lack experience in analyzing data, so the School Reform Initiative’s (SRI’s) “ATLAS Looking at Data-An Inquiry Approach” protocol will provide structure for students to learn to consume data sets, charts, and graphs.

Chalk Talk

It can be difficult to allow students quiet, thoughtful processing time for a topic during class, but it is imperative that students be allowed to grapple with difficult topics and develop their own line of thinking. Chalk Talks are a useful protocol for students to do just that. It is a timed, silent activity where the teacher poses a prompt(s) on large spaces throughout the room (different chalkboards, butcher paper on tables, chart paper, etc.) and each student is given a writing utensil to add their thoughts to the topic, connecting to others’ responses as needed as they proceed. The National School Reform Faculty provides straightforward guidelines for this simple, yet deep, thinking structure.

Research

In addition to understanding data, students will need to (largely) independently find causes for the current state of affairs, as well as see who is also acting as they will be. In order to do this, students will be expected to research reliable sources of information for answers, and reach out to various organizations to find links between them.

Brainstorming

In order for students to create their best work, they need to generate a list of possible topic ideas and sift

through that list in order to arrive at what they determine to be the best approach to take.

Collaborative Group Work

Students will work together as a group, establishing roles, boundaries, and timelines to complete their projects in a timely fashion. Washington University in St. Louis's Teaching Center suggests assigning group roles to help teachers facilitate an effective collaborative working environment.

Presentation of Proposal

Presenting to a philanthropic organization or elected official is different than presenting a report to peers in a classroom, and students need to be aware of their audience. This unit asks students to take their ideas to the public, so there are distinct real-life implications for their work that need to be honored.

Classroom Activities

Word Wall

In order to encourage the usage of appropriate terminology and increase understanding of the topic of mass incarceration, vocabulary words will be posted on a wall in the classroom as they are learned. In particular, "Incarceration," "Jail," "Prison," "Misdemeanor," "Felony," "Recidivism," "Mandatory Sentencing" and their definitions will be incorporated as they are learned, as will any other words the students deem appropriate.

KWL

Before viewing any data on mass incarceration, I want students to articulate what they already know about mass incarceration and what they expect or want to learn. That way, students can authentically document their learning experiences after completing the data analysis protocol and see how much they have learned.

Reading and Analyzing Data

Students will begin by reading and understanding data; more specifically, historical and current incarceration rates for various countries, the United States as a whole and as individual states, and Tulsa county and city. Sources for this data can include those from the Human Rights Watch, the Institute for Women's Policy Research, the Prison Policy Initiative, PEW Charitable Trusts, Susan Sharp, The Sentencing Project, Still She Rises, the Sobering Center, and/or the DoJ Bureau of Justice Statistics. As class sizes allow, each student will have their own data set, but this could easily be adjusted for several students to have the same data set.

Create Visual Representations of Statistics/Data

In order to have a stronger connection to the data they are analyzing, students will either create their own graphs or charts through the NCES's website using the data set they were provided in class, or will use the data to create graphs or charts in a spreadsheet program (such as Excel or Google Sheets) and will print them.

Analyzing Data

Once students have created their visual representation of their statistics/data, they will switch with another student in class so that they are looking at a data set they've not previously experienced. They will then use a data inquiry protocol to analyze the data so that students are clear on what the data is telling them, and allow them to develop questions around it. The purpose in presenting students with data in this way is to stimulate conversation on what the data does and does not say. This will allow students to "discover" inequities and problematic issues on their own, as opposed to having their teacher tell them what is wrong with incarceration, so that the students create conditions to develop their own questions that they will endeavor to answer.

Questions to Interpret Data

- What do you observe about Oklahoma's current incarceration rates in comparison to the population as a whole?
- Is there a group(s) of people who seem to be disproportionately affected by mass incarceration?
- What do you see that you need additional information to understand?

Chalk Talk

After students have completed their inquiry-based data analysis protocol, they need time and space to grapple with why what they are looking at exists as it does. To provide that opportunity in a safe way, several questions will be posted around the room (on white boards and/or on several butcher paper stations) that invite students to quietly ponder and challenge their thinking. Since this is a quiet activity, students should be able to consider these questions in a non-judgmental environment so that they are prepared to begin additional research.

Guiding Questions

- Why do you believe different states have different incarceration rates?
- Why do you think Oklahoma incarcerates more women than other places?
- What needs to be done to stem incarceration rates?
- What systems can we create or enhance to stem mass incarceration? Who can help us bring our idea(s) to fruition?

Contextual Research

Once students have begun to develop their own questions about incarceration, they will read more specific information by incarceration researchers and excerpts from longer works. The specific sources will vary, depending on the student's particular questions and interests. The purpose of this unit dictates that students use factual information, so they will be intentionally steered toward nonfiction texts, and away from the multitude of historical and realistic fiction texts that exist on this subject. A mini-lesson on differentiating between nonfiction and fiction and evaluating sources may be necessary, depending on the needs of the class. Ultimately, these readings will help students refine their thinking by either supporting or challenging the opinions students had formed during the Chalk Talk.

Action Research

Part of what will set this unit apart from other research units my students complete during the course of

school will be the connections they make with local entities. Ideally, students are able to directly connect with individuals and groups who have worked to stem mass incarceration, and eventually, leverage community partnerships to put their eventual plans in place. While some particular entities and community groups will be suggested, students are ultimately responsible for discovering, researching, and connecting with whichever groups and foundations would provide the best context and information for the aspect of mass incarceration they're drawn to.

Brainstorm

Once students have seen and analyzed a variety of mass incarceration statistics, have processed what implications the statistics have, and have completed some background research to understand the context and local implications of them, it is time for students to consider what they would like to do with the information. To do that, they will brainstorm what can be done to stem mass incarceration, either in general, or a specific aspect of it. This can however and in whatever way works best for the student. Ultimately, the goal is for the student to have several tenable ideas that can positively impact the community.

Collaborative Problem-Solving

While the data analysis, reading, and research elements listed above would constitute a solid unit for my students, in order to have truly authentic engagement and buy-in from my students, they need to be personally invested in solving mass incarceration. This requires that students generate their own projects from their brainstorming and execute them to the best of their ability. Students will be invited to share the results of their brainstorming with their peers, and to group themselves according to who has similar project ideas. For example, students could choose to group themselves based on the desire to increase the capacity of the Sobering Center, or perhaps based on the desire to increase Restorative Justice practices in Tulsa.

Whatever aspect students find themselves passionate about, they need to have pre-determined group roles so that their work goes smoothly. At a minimum, groups need a person to act as a project manager, and a person who will serve as a point of contact for any outside groups they connect with. Additional roles can include a person to type any and all notes and keep track of research, and a person who will decide how and what a presentation of their information should look like.

Publishing and Presenting

Once students have worked on their idea to reduce mass incarceration, they need to conclude their projects by presenting their proposals to a group who is in a position to help them, whether that be an elected official or a philanthropic organization. Depending on the project and audience, it may be appropriate to draft a communication to an elected official, it may be appropriate to work alongside a community organization, or it may be appropriate to present findings at a conference, such as the John Hope Franklin National Symposium in May. However students find it most appropriate to "publish" their findings, it is important that students know that their work has equal value to any adult group that would undertake the same challenge, and that they can affect change. It would be appropriate to have a gallery walk at the conclusion of this unit so that students can discuss their work with one another, and display it for others to see as well.

Classroom Resources

Sources of Statistics

Carlson, E. Ann. "Prisoners in 2016." *U.S. Department of Justice Office of Justice Programs Bureau of Justice Statistics*. NCJ 251149. Washington, D.C.: BJS, January 2018. https://www.bjs.gov/content/pub/pdf/p16_rvhg.pdf (accessed May 3, 2019).

"Criminal Justice Facts." The Sentencing Project. Accessed July 18, 2019. <https://www.sentencingproject.org/criminal-justice-facts/>.

"Data Toolbox." Prison Policy Initiative. Accessed August 3, 2019. <https://www.prisonpolicy.org/data/>.

"More Imprisonment Does Not Reduce State Drug Problems." PEW Charitable Trusts. March 8, 2018. <https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2018/03/more-imprisonment-does-not-reduce-state-drug-problems>.

"Our Guiding Principles." Common Justice. Accessed August 3, 2019. <https://www.commonjustice.org/>.

"Report Shows Best and Worst States for the Status of Black Women in the United States." Institute for Women's Policy Research. June 17, 2017. <https://iwpr.org/>.

Classroom Tools

"ATLAS: Looking at Data." SRI School Reform Initiative. Accessed August 3, 2019. http://www.schoolreforminitiative.org/doc/atlas_looking_data.pdf

"Chalk Talk." National School Reform Faculty. Accessed August 8, 2019. https://www.nsrffharmony.org/wp-content/uploads/2017/10/chalk_talk_0.pdf.

"Kids' Zone: Create a Graph." NCES National Center for Education Statistics. Accessed May 3, 2019. <https://nces.ed.gov/nceskids/createagraph/>.

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This policy report focuses on the children left behind when a parent is incarcerated.

Blatt, David. "Guest Blog (Susan Sharp): Rethinking Female Incarceration." *Oklahoma Policy Institute*. December 6, 2010 (updated May 2, 2019). <https://okpolicy.org/guest-blog-susan-sharp-rethinking-female-incarceration/>. Accessed May 8, 2019.

This short blog post gives an excellent summary of why Oklahoma's female incarceration is so high.

Bosworth, Mary. *Explaining U.S. Imprisonment*. Thousand Oaks, CA: SAGE Publications, 2010.

This book looks at imprisonment and punishment going back to colonial times, and makes a call to reduce incarceration.

Branstetter, Ziva, Allison Herrera, Harriet Rowman, and Eric Sagara. "Let Down and Locked Up: Why Oklahoma's Female Incarceration Is So High." Emery, CA: Reveal. September 20, 2017.

<https://www.revealnews.org/article/let-down-and-locked-up-why-oklahomas-female-incarceration-is-so-high/>. Accessed May 3, 2019.

This article looks specifically at Oklahoma's women's rate of incarceration and drug offenses.

Hairston, Creasie Finney, and Patricia W. Lockett. "Parents in Prison: New Directions for Social Services." In *Impacts of Incarceration on the African American Family*, edited by Othello Harris and R. Robin Miller, 181-186. New Brunswick, NJ: Transaction Publishers, 2003.

This looks at the Parents in Prison program in Tennessee, which aims to develop community support for parents both during and after their incarceration.

'Handout: Streams and Rivers: Influences on Your Views.'

https://blog.cps.edu/wp-content/uploads/2017/08/ReparationsWon_MiddleSchool.pdf

This has handout that can be used with students, should you need to have a mini-lesson with your students about who, what, and how their views are influenced.

Harvell, Samantha, Chloe Warnberg, Leah Sakala, and Constance Hull. Promoting a New Direction for Youth Justice: Strategies to Fund a Community-Based Continuum of Care and Opportunity. Urban Institute. March 2019.

https://www.urban.org/sites/default/files/publication/100013/innovative_strategies_for_investing_in_youth_justice_0.pdf. Accessed May 6, 2019.

This report looks at how incarcerated juveniles and their families can be better served by their communities.

Hattery, Angela, and Earl Smith. *Prisoner Reentry and Social Capital: The Long Road to Reintegration*. Lanham, MD: Lexington Books, 2010.

In particular, Chapter 5 "The Special Case of Women" is a useful read when discussing issues specific to incarcerated women; for example, the policy on shackling women's hands, feet, and belly even when they are in a hospital in labor.

"How to Have an Effective Visit with Your Policy Maker." Union of Concerned Scientists. Accessed August 8, 2019.

<https://www.ucsusa.org/action/meeting-with-legislators.html>.

For those students whose projects result in a meeting with an elected official, this provides some guidance to make the most of an in-person proposal.

Human Rights Watch. Accessed August 8, 2019. www.hrw.org.

The HRW has many special reports that combine personal anecdotes with data to paint a meaningful, relatable illustration of data.

John Hope Franklin Center for Reconciliation. Accessed May 20, 2019. <https://www.jhfcenter.org/national-symposium>.

Ideally, students will present their proposals at their 2020 National Symposium.

"K-W-L (Know, What to Know, Learned)." National Education Association. Accessed August 8, 2019.

<http://www.nea.org/tools/k-w-l-know-want-to-know-learned.html>.

This site describes the form and function of using K-W-Ls in the classroom.

McGee, Richard A. *Prisons and Politics*. Lexington, MA: Lexington Books, 1981.

McGee was California's first director of corrections. This book contains his reflections and predictions, and it's interesting to read how he's calling for some of the same reforms as a warden in the 1940s-1960s that are being called for now.

PEW Charitable Trusts, "Weighing Imprisonment and Crime: 9 Experts Explore the Relationship Between Prisons and Crime Rates" (PEW Charitable Trusts National Survey, Feb. 2015).

This is an interesting panel; one member was a staff member on LBJ's 1964 crime commission.

Sered, Susan Starr. *Until We Reckon: Violence, Mass Incarceration, and the Road to Repair*. New York: The New Press, 2019.

Many (this unit included) who focus on reducing mass incarceration are biased towards nonviolent offenses such as drugs; Sered's book, and her organization Common Justice, focus on solutions to the mass incarceration of violent offenders. Her work makes sure that we fully turn the mirror on ourselves as a society.

Sered, Susan Starr, and Maureen Norton-Hawk. *Can't Catch a Break: Gender, Jail, Drugs and the Limits of Personal Responsibility*. Oakland, CA: University of California Press, 2014.

These three women have researched and written extensively on issues specific to incarcerated women.

Skotnicki, Andrew. *Religion and the Development of the American Penal System*. Lanham, MD: University Press of America, 2000.

This is very dense, and might be very good for historical background and theories.

"Statistics in Schools." Census Bureau's Statistics in Schools Program. Accessed July 13, 2019. <https://www.census.gov/schools>.

This is a useful website if you or your students need a primer on the usefulness of statistics.

Still She Rises Tulsa. Accessed July 13, 2019. <https://www.stillsherises.org/>.

Still She Rises is an offshoot of the Bronx Defenders, and are a "holistic defense office" that focuses exclusively on mothers.

"Talking Circles." First Nations Pedagogy Online. Accessed July 13, 2019. <http://firstnationspedagogy.ca/circletalks.html>.

This is an activity in which participants sit in a circle and talk in an uninterrupted matter on a sensitive or thought-provoking topic. An object is used to designate turns to speak.

"Teaching Strategy: Word Wall." Facing History and Ourselves. Accessed August 8, 2019.

<https://www.facinghistory.org/resource-library/teaching-strategies/word-wall>.

This describes the rationale and procedure for establishing a Word Wall in the classroom.

"Using Roles in Group Work." The Teaching Center at Washington University in St. Louis. Accessed August 8, 2019. <https://teachingcenter.wustl.edu/resources/active-learning/group-work-in-class/using-roles-in-group-work/>.

This can help provide guidance and rationale for assigning roles to group members.

Walsh, John P. *The Culture of Urban Control: Jail Overcrowding in the Crime Control Area*. Lanhan, MD: Lexington Books, 2013.

This book focuses particularly on Cook County, but has general statistics and information that may be useful for background info.

Appendix

Oklahoma Academic Standards (OAS) for English Language Arts (ELA) and Pre-Algebra (PA) are transferable to national and other state standards. Middle school/junior high standards are similar for grades 7-8, so the ELA standards for 8th grade are listed.

OAS English Language Arts

Speaking and Listening

8.1.W.1 Students will give formal and informal presentations in a group or individually, providing textual and visual evidence to support a main idea.

8.1.W.2 Students will work effectively and respectfully within diverse groups

8.1.R.3 Students will engage in collaborative discussions about appropriate topics and texts, expressing their own ideas clearly while building on the ideas of others in pairs, diverse groups, and whole class settings.

Reading Foundations/Reading and Writing Process

8.3.W.3 Argument: Students will introduce a claim, recognize at least one claim from an opposing viewpoint, and organize reasons and evidences, using credible sources.

Vocabulary

8.4.W.1 Students will use domain-appropriate vocabulary to communicate ideas in writing clearly.

8.4.W.2 Students will select appropriate language to create a specific effect according to purpose in writing.

Language

8.6.R.1 Students will use their own viable research questions and well-developed thesis statements to find information about a specific topic.

8.6.W.2 Students will refine and formulate a viable research question and report findings clearly and concisely, using a well-developed thesis statement.

8.6.W.3 Students will quote, paraphrase, and summarize findings following an appropriate citation style (e.g., MLA, APA, etc.) and avoiding plagiarism.

8.6.W.4 Students will summarize and present information in a report

Multimodal Literacies

8.7.W.2 Students will utilize multimedia to clarify information and emphasize salient points.

OAS Pre-Algebra

Data and Probability

PA.D.1 Display and interpret data in a variety of ways.

National Association for Gifted Children (NAGC) 2010 Programming Standards are Student Outcomes for grades PK-12.

NAGC Student Outcomes

1.4. Awareness of Needs. Students with gifts and talents access resources from the community to support cognitive and affective needs, including social interactions with others having similar interests and abilities or experiences, including same-age peers and mentors or experts.

Students will identify and use human resources from around the community.

1.6. Cognitive and Affective Growth. Students with gifts and talents benefit from meaningful and challenging learning activities addressing their unique characteristics and needs.

Students will create or refine a solution for local mass incarceration problems.

3.1. Curriculum Planning. Students with gifts and talents demonstrate growth commensurate with aptitude during the school year.

3.2. Talent Development. Students with gifts and talents become more competent in multiple talent areas and across dimensions of learning.

3.6. Resources. Students with gifts and talents benefit from gifted education programming that provides a variety of high quality resources and materials.

Students will incorporate a variety of learning experiences into one project.

4.3. Leadership. Students with gifts and talents demonstrate personal and social responsibility and leadership skills.

Students are provided opportunities for leadership in community settings to effect positive change.

4.4. Cultural Competence. Students with gifts and talents value their own and others' language, heritage, and circumstance. They possess skills in communicating, teaming, and collaborating with diverse individuals and across diverse groups. They use positive strategies to address social issues, including discrimination and stereotyping.

Students are provided structured opportunities to collaborate with diverse peers on a common goal.

5.1. Variety of Programming. Students with gifts and talents participate in a variety of evidence-based

programming options that enhance performance in cognitive and affective areas.

Students have extended and deepened learning opportunities within and outside of the school setting.

6.3. Lifelong Learners. Students develop their gifts and talents as a result of educators who are life-long learners, participating in ongoing professional development and continuing education opportunities.

All teachers undergo ongoing professional development, including a fellowship through the Yale National Initiative.

Notes

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2. Nancy Fishman, Rebecca Silber, Kelsey Reid, Stephen Roberts, and Navena Chaitoo, "Report to Tulsa County Stakeholders on Jail Reduction Strategies" (Vera Center on Sentencing & Corrections, Aug. 2017), 3.
3. Becky Pettit, *Invisible Men: Mass Incarceration and the Myth of Black Progress* (New York: Russell Sage Foundation, 2012), 14.
4. Ted Gest, *Crime and Politics: Big Government's Erratic Campaign for Law and Order* (New York: Oxford University Press, 2001), 8.
5. Susan Burton and Cari Lynn, *Becoming Ms. Burton* (New York: The New Press, 2017), 6.
6. James Kilgore, *Understanding Mass Incarceration: A People's Guide to the Key Civil Rights Struggle of Our Time* (New York: The New Press, 2015), 155.
7. National Institute on Drug Abuse, "How effective is drug addiction treatment?" (Principles of Drug Addiction Treatment: A Research-Based Guide, 3rd edition, Washington, D.C., last updated Jan. 2018).
8. James Forman, Jr., *Locking Up Our Own: Crime and Punishment in Black America* (New York: Farrar, Straus and Giroux, 2017), 120-24.
9. Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: The New Press, 2012) 89-90.
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17. PEW Charitable Trusts, "Public Opinion on Sentencing and Corrections Policy in America" (PEW Charitable Trusts National Survey, Washington, D.C., Mar. 2012), 1, 3.
18. Michelle Alexander, *The New Jim Crow*, 92-93.
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22. Michelle Alexander, *The New Jim Crow*, 90.
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26. Susan F. Sharp, ed., *The Incarcerated Woman: Rehabilitative Programming in Women's Prisons* (Upper Saddle River, NJ: Prentice Hall, 2003), 149.
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