

JASON BRUNO AND MELISSA BURT-MILLER: HOMELESSNESS AMONG FORMERLY  
INCARCERATED PEOPLE

Homelessness Among Formerly Incarcerated People

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**Abstract**

The following policy brief explores the issue of homelessness among formerly incarcerated people in the United States and outlines the unique housing challenges that people experience after incarceration. This brief also delineate evidence regarding homelessness among formerly incarcerated people, while highlighting past and current policies legislated to eliminate homelessness among these individuals. The brief will close with an explanation of how the involvement of local and faith-based communities can help alleviate homelessness for formerly incarcerated people.

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### **Goal Statement**

This policy analysis brief calls attention to the issue of homelessness among formerly incarcerated people in the United States and serves as a conversation opener to provoke thoughts surrounding the issue of homelessness and housing insecurity among formerly incarcerated people to drive the implementation of new policies. More than 600,000 individuals are released annually from state and federal prisons <sup>1</sup>. When incarcerated people transition into society from jails or prison each year, they face significant societal barriers that make their reintegration process more challenging, particularly when securing safe and affordable housing.

In a climate where the revolving door of homelessness and incarceration are closely linked, this brief intends to:

1. Outline the unique housing challenges that people experience after incarceration.
2. Delineate evidence regarding homelessness among formerly incarcerated people.
3. Highlight past and current policies introduced/legislated to eliminate homelessness among formerly incarcerated people.
4. Propose favorable policies and solutions to create accessible, safe, secure, and affordable housing for formerly incarcerated people to allow in-depth consideration of this problem.
5. Explain how the involvement of local and faith-based communities can help alleviate homelessness for formerly incarcerated people.

### **Scope of the Problem**

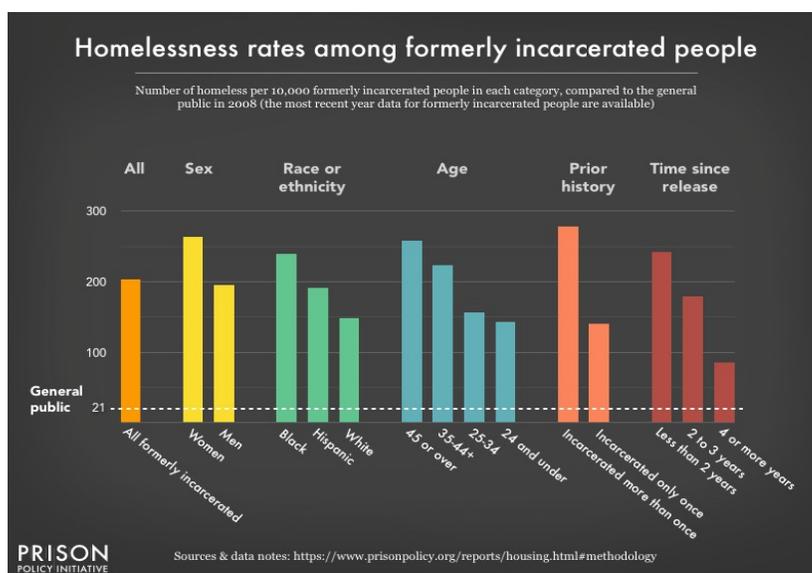
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<sup>1</sup> *Incarceration & reentry*. ASPE. (n.d.). Retrieved March 28, 2023, from <https://aspe.hhs.gov/topics/human-services/incarceration-reentry-0#:~:text=Each%20year%2C%20more%20than%20600%2C000,million%20cycle%20through%20local%20jails.>

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**The Impact of Federal Regulations on Access to Housing for Formerly Incarcerated People**

In 2018, the Prison Policy Initiative reported that formerly incarcerated people are ten times more likely to be homeless<sup>2</sup>. With these findings, research has shown that homelessness has skyrocketed among specific demographics, including people detained more than once, recently released from prison, and people of color and women, as shown in figure 1<sup>3</sup>. See Figure 1.



**Figure 1.** shows the statistical data retrieved from the Prison Policy Initiative showing the specific demographics of homelessness rate among formerly incarcerated people<sup>4</sup>.

<sup>2</sup> Couloute, L. (n.d.). *Nowhere to go: Homelessness among formerly incarcerated people*. Prison Policy Initiative. Retrieved March 28, 2023, from <https://www.prisonpolicy.org/reports/housing.html>

<sup>3</sup> Couloute, L. (n.d.). *Nowhere to go: Homelessness among formerly incarcerated people*. Prison Policy Initiative. Retrieved March 28, 2023, from <https://www.prisonpolicy.org/reports/housing.html>

<sup>4</sup> Couloute, L. (n.d.). *Nowhere to go: Homelessness among formerly incarcerated people*. Prison Policy Initiative. Retrieved March 28, 2023, from <https://www.prisonpolicy.org/reports/housing.html>

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In addition, the findings also emphasized that formerly incarcerated women are more potential to be homeless than formerly incarcerated men.<sup>5</sup> As more incarcerated people transition from jail, the societal barriers and limitations they face grow numerous. From challenges securing employment, gaining access to medical care, and receiving public benefits to federal regulations restricting access to public housing, they are set up for failure and possibly recidivism the moment they re-enter society.

A critical factor that plays a significant role in homelessness among the formerly incarcerated; is the federal regulations that influence public housing authorities to consider the criminal history of applicants for public and assisted housing<sup>6</sup>. These regulations permit most public housing authorities to conduct blanket screenings and background checks to verify the applicant's criminal background, which in most cases leads to the rejection of their application<sup>7</sup>. Coincidentally, statistics have shown that 79% of formerly incarcerated people were either ineligible or denied public housing due to criminal history<sup>8</sup>.

Additionally, federal laws authorized public housing agencies to ban or evict anyone with specific criminal histories, such as methamphetamine production, lifetime sex offender in any

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<sup>5</sup> Couloute, L. (n.d.). *Nowhere to go: Homelessness among formerly incarcerated people*. Prison Policy Initiative. Retrieved March 28, 2023, from <https://www.prisonpolicy.org/reports/housing.html>

<sup>6</sup> Fact sheet barriers to successful re-entry of formerly incarcerated people. (n.d.). Retrieved March 29, 2023, from <http://civilrightsdocs.info/pdf/criminal-justice/Re-Entry-Fact-Sheet.pdf>

<sup>7</sup> Fact sheet barriers to successful re-entry of formerly incarcerated people. (n.d.). Retrieved March 29, 2023, from <http://civilrightsdocs.info/pdf/criminal-justice/Re-Entry-Fact-Sheet.pdf>

<sup>8</sup> *The Long Road Home: Decreasing barriers to public housing for people with Criminal Records*. Human Impact Partners. (2019, July 19). Retrieved March 28, 2023, from <https://humanimpact.org/hiprojects/the-long-road-home-decreasing-barriers-to-public-housing-for-people-with-criminal-records/#:~:text=The%20True%20Cost%20of%20Incarceration,a%20result%20of%20criminal%20history>

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state, and violent crimes<sup>9</sup>. With these strict regulations and laws in the housing sector, landlords are reluctant to rent to formerly incarcerated people, making one in five people who leave prison homeless<sup>10</sup>. On the contrary, the federal regulations prohibiting formerly incarcerated people from accessing housing because of their criminal history have violated the Fair Housing Act (FHA). The FHA prohibits discrimination against people when renting or purchasing a home, seeking housing assistance, or engaging in other house-related activities<sup>11</sup>. Moreover, The U.S. Department of Housing and Urban Development (HUD) outlined that housing discrimination is illegal in nearly all housing, including public housing, private housing, and housing that receives federal funding<sup>12</sup>.

### **Unstable Housing Arrangements**

Unstable housing arrangements among formerly incarcerated people after release is another factor that plagues this population. Stable housing is a crucial component of successful reentry; however, due to various barriers to securing housing, formerly incarcerated people are forced to live in homeless shelters, unsheltered (without a fixed residence), and at motels after being released<sup>13</sup>. See Figure 2.

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<sup>9</sup> Fact sheet for potential tenants - NHLP. (n.d.). Retrieved March 29, 2023, from [https://www.nhlp.org/files/Fact%20sheet%20for%20potential%20tenants%20-%20AC\(final\).pdf](https://www.nhlp.org/files/Fact%20sheet%20for%20potential%20tenants%20-%20AC(final).pdf)

<sup>10</sup> Fact sheet barriers to successful re-entry of formerly incarcerated people. (n.d.). Retrieved March 29, 2023, from <http://civilrightsdocs.info/pdf/criminal-justice/Re-Entry-Fact-Sheet.pdf>

<sup>11</sup> Housing discrimination under the Fair Housing Act. HUD.gov / U.S. Department of Housing and Urban Development (HUD). (n.d.). Retrieved March 30, 2023, from [https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/fair\\_housing\\_act\\_overview](https://www.hud.gov/program_offices/fair_housing_equal_opp/fair_housing_act_overview)

<sup>12</sup> Housing discrimination under the Fair Housing Act. HUD.gov / U.S. Department of Housing and Urban Development (HUD). (n.d.). Retrieved March 30, 2023, from [https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/fair\\_housing\\_act\\_overview](https://www.hud.gov/program_offices/fair_housing_equal_opp/fair_housing_act_overview)

<sup>13</sup> Couloute, L. (n.d.). *Nowhere to go: Homelessness among formerly incarcerated people*. Prison Policy Initiative. Retrieved March 28, 2023, from <https://www.prisonpolicy.org/reports/housing.html>

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**Figure 2.** retrieved from the Prison Policy Initiative, shows the data of formerly incarcerated people forced to live in homeless shelters, unsheltered without a fixed residence, and at motels after being released<sup>14</sup>.

HOUSING INSECURITY		
HOMELESSNESS		
Unsheltered Homelessness	Sheltered Homelessness	Marginal Housing
Homeless or no fixed residence	Living in a shelter	Living in a rooming house, hotel, or motel
105 per 10,000	98 per 10,000	367 per 10,000

Interestingly, the California Health Policy Strategies confirmed that 70% of unsheltered homeless reported a history of incarceration, and 28% reported being recently released from jail or prison<sup>15</sup>. Conversely, 23.1% of the 7,022 people staying in a single adult shelter reported a record of incarceration<sup>16</sup>. The Corporation for Supportive Housing (CSH) indicated that in 2015 and 2018, the state prisons sent over 15,000 people to City shelters<sup>17</sup>.

To further add to the unstable housing conditions formerly incarcerated people face, the National Housing Law Program (NHLP) revealed that most formerly incarcerated people rely on

<sup>14</sup> Couloute, L. (n.d.). *Nowhere to go: Homelessness among formerly incarcerated people*. Prison Policy Initiative. Retrieved March 28, 2023, from <https://www.prisonpolicy.org/reports/housing.html>

<sup>15</sup> Homeless Council white paper - calhps. (n.d.). Retrieved March 30, 2023, from <https://calhps.com/wp-content/uploads/2019/04/Homeless-Council-White-Paper-3-19-2019.pdf>

<sup>16</sup> University of Pennsylvania scholarcommons. (n.d.). Retrieved March 30, 2023, from [https://repository.upenn.edu/cgi/viewcontent.cgi?article=1063&context=spp\\_papers](https://repository.upenn.edu/cgi/viewcontent.cgi?article=1063&context=spp_papers)

<sup>17</sup> The corporation for supportive housing | CSH. (n.d.). Retrieved March 30, 2023, from [https://www.csh.org/wp-content/uploads/2021/03/2020-New-York-Housing-and-Criminal-System-Platform\\_3.16.pdf](https://www.csh.org/wp-content/uploads/2021/03/2020-New-York-Housing-and-Criminal-System-Platform_3.16.pdf)

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family members to provide shelter after incarceration<sup>18</sup>. However, this living arrangement has a downside: family members limit how long the return relative can stay, leaving the formerly incarcerated person to "shuttle" between shelters, streets, relatives, and friends<sup>19</sup>.

Given the statistical data and the barriers formerly incarcerated people face, it is clear that the government has failed to advocate and implement policies and strategies to reduce the prison-to-homelessness pipeline trend, which is increasing yearly.

### Past Policy

Before the Housing Act of 1937, the United States had no national housing policy<sup>20</sup>. The Housing Act of 1937 provided financial assistance to the states and political subdivisions to eradicate unsafe and unsanitary housing conditions, eradicate slums, relieve unemployment, and stimulate business activities<sup>21</sup>. Since the passing of the Housing Act of 1937, the Act has been amended in 1949 and 1954<sup>22</sup>. However, none of the amended Acts advocated for accessible housing for formerly incarcerated people. In 1968, President Lyndon B. Johnson signed the Fair Housing Act (Civil Rights Act) 1968 into law<sup>23</sup>. Through the Fair Housing Act (FHA), citizens seeking federally funded housing and buying or renting accommodation were protected from

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<sup>18</sup> The importance of stable housing for formerly incarcerated ... - NHLP. (n.d.). Retrieved March 30, 2023, from <https://nhlp.org/files/Page%208%20Doc%201%20NHLP%20Bulletin%20Article%20Reentry.pdf>

<sup>19</sup> [The importance of stable housing for formerly incarcerated ... - NHLP. \(n.d.\). Retrieved March 30, 2023, from https://nhlp.org/files/Page%208%20Doc%201%20NHLP%20Bulletin%20Article%20Reentry.pdf](https://nhlp.org/files/Page%208%20Doc%201%20NHLP%20Bulletin%20Article%20Reentry.pdf)

<sup>20</sup> Karger, H. J., & Stoesz, D. (2018). American social welfare policy: A pluralist approach. Pearson.

<sup>21</sup> Karger, H. J., & Stoesz, D. (2018). American social welfare policy: A pluralist approach. Pearson.

<sup>22</sup> Karger, H. J., & Stoesz, D. (2018). American social welfare policy: A pluralist approach. Pearson.

<sup>23</sup> Kevin Leacock, M. P. H. (n.d.). A brief history of housing policy in the U.S. National Nurse-Led Care Consortium. Retrieved March 31, 2023, from <https://nurseledcare.phmc.org/advocacy/policy-blog/item/641-a-brief-history-of-housing-policy-in-the-u-s.html>

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discrimination<sup>24</sup>. In contrast, the FHA commits to safeguard citizens from housing discrimination based on race, gender, national origin, sexual orientation, color, religion, familial status, and disability<sup>25</sup>; formerly incarcerated people are not a protected class under the Fair Housing Act. Nevertheless, the U.S. Department of Housing and Urban Development (HUD) recently released guidelines and a memo about how the Fair Housing Act applies to house policies regarding criminal background checks<sup>26</sup>.

### **Current Policy**

In recent times, due to the lack of past policies addressing the issue of homelessness and discrimination among the formerly incarcerated, the Public Housing Authorities (PHA), Department of Housing and Urban Development (HUD), and local governments have proposed initiatives to remove barriers to housing for people with conviction histories.

In a letter to PHA executive directors in 2011, the HUD stressed the broad attention that Public Housing Authorities give to set admission policies and the importance of granting second chances to help people with criminal histories<sup>27</sup>. In 2015, HUD also released supplementary

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<sup>24</sup> Kevin Leacock, M. P. H. (n.d.). A brief history of housing policy in the U.S. National Nurse-Led Care Consortium. Retrieved March 31, 2023, from <https://nurseledcare.phmc.org/advocacy/policy-blog/item/641-a-brief-history-of-housing-policy-in-the-u-s.html>

<sup>25</sup> Housing discrimination under the Fair Housing Act. HUD.gov / U.S. Department of Housing and Urban Development (HUD). (n.d.). Retrieved March 31, 2023, from [https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/fair\\_housing\\_act\\_overview](https://www.hud.gov/program_offices/fair_housing_equal_opp/fair_housing_act_overview)

<sup>26</sup> Fair housing explained: Criminal Activity - Fair Housing Center for ... (n.d.). Retrieved April 1, 2023, from <https://www.thehousingcenter.org/wp-content/uploads/2022/03/Fair-Housing-Explained-CANOs-Web-Final-Updated.pdf>

<sup>27</sup> Bureau of Justice Assistance Opening Doors, returning home. (n.d.). Retrieved April 2, 2023, from <https://bja.ojp.gov/doc/opening-doors-returning-home.pdf>

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guidance restricting the extent to which authorities consider people's arrest records to aid in the decision of admission, assistance, or eviction<sup>28</sup>. Like HUD's guidance, Keith Powers, a New York City Council Member representing District 4, Midtown Manhattan, and UES, introduced NYC's Fair Chance for Housing Act<sup>29</sup>. This bill seeks to prohibit housing discrimination based on arrest or conviction records in NYC and make it an unlawful discriminatory practice for housing providers to conduct criminal background checks or inquire about the applicant's conviction history<sup>30</sup>. It is also important to note that if the Fair Chance of Housing Act is proposed and made into law, it will give the 750,000 New Yorkers with a conviction record the ability to have stability in the form of permanent housing.

The State of New York is one of many states with these types of reform. In Pennsylvania, specifically in Allegheny County, the Housing Authority (ACHA) partnered with the county jail, probation, public defenders, and reentry service providers to change policies allowing individuals with criminal records to access public housing. Several other states' Housing Authorities, such as North Carolina, Delaware, and Michigan, have followed suit making similar policy changes to give formerly incarcerated individuals more access to housing<sup>31</sup>. Interestingly, on January 13, 2021, the state of Illinois became the first state in the country to remove critical

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<sup>28</sup> Bureau of Justice Assistance Opening Doors, returning home. (n.d.). Retrieved April 2, 2023, from <https://bja.ojp.gov/doc/opening-doors-returning-home.pdf>

<sup>29</sup> Leher, B. (n.d.). NYC's Fair Chance for Housing Act: The brian lehrer show. WNYC. Retrieved April 2, 2023, from <https://www.wnyc.org/story/nycs-fair-chance-housing-act/>

<sup>30</sup> FAQs. Fair Chance for Housing. (n.d.). Retrieved April 2, 2023, from <https://www.fairchancehousing.org/faqs>

<sup>31</sup> Bureau of Justice Assistance Opening Doors, returning home. (n.d.). Retrieved April 2, 2023, from <https://bja.ojp.gov/doc/opening-doors-returning-home.pdf>

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barriers to public housing for people with conviction histories through the Public Housing Access Bill<sup>32</sup>.

In response to the now-obvious issue of homelessness among the formerly incarcerated, the Biden Administration and the United States Interagency Council on Homelessness (USICH) continue to uplift the importance of housing for people with conviction histories<sup>33</sup>. In addition, USICH is prioritizing housing for 100% of exiting prisoner<sup>34</sup>. Also addressing the issue of homelessness among formerly incarcerated individuals is Governor Kathy Hochul, who signed legislation to expand public housing access to formerly incarcerated individuals on December 23, 2022<sup>35</sup>. This legislation will remove most of the New York City Housing Authority's prohibitions on residents with a conviction history.

### **Proposed Solutions**

The issue of homelessness represents both a simple and complex problem<sup>36</sup>. For some, homelessness indicates mental illness and a lack of familial support. For others, homelessness reflects the failure of the overburdened criminal system that contributes to the rising rate of

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<sup>32</sup> Bureau of Justice Assistance Opening Doors, returning home. (n.d.). Retrieved April 2, 2023, from <https://bja.ojp.gov/doc/opening-doors-returning-home.pdf>

<sup>33</sup> Bureau of Justice Assistance Opening Doors, returning home. (n.d.). Retrieved April 2, 2023, from <https://bja.ojp.gov/doc/opening-doors-returning-home.pdf>

<sup>34</sup> Bureau of Justice Assistance Opening Doors, returning home. (n.d.). Retrieved April 2, 2023, from <https://bja.ojp.gov/doc/opening-doors-returning-home.pdf>

<sup>35</sup> Geringer-Sameth, E. (2022, July 6). Passed by Legislature, uncertain future for the bill to ensure access to public housing for formerly incarcerated New Yorkers. Passed by Legislature, Uncertain Future for Bill to Ensure Access To Public Housing for Formerly Incarcerated New Yorkers. Retrieved April 2, 2023, from <https://www.gothamgazette.com/city/11439-nycha-public-housing-formerly-incarcerated-ny>

<sup>36</sup> Karger, H. J., & Stoesz, D. (2018). American social welfare policy: A pluralist approach. Pearson

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homelessness in society, especially among the formerly incarcerated population. However, despite the cause, homelessness is tied to poverty<sup>37</sup>.

In response to the issues of homelessness, we propose the following solutions:

1. Build new transitional and supportive housing for those impacted by the legal system. Doing so would allow those released from prison to have a stable residence to reintegrate into communities.
2. Repurpose abandoned and vacant buildings as suitable housing for formerly incarcerated individuals. There are numerous abandoned and vacant buildings across the U.S. If city officials take these buildings and revitalize them, they would be more than suitable for individuals to occupy.
3. Expand state eligibility and federally funded supportive housing. Those confined for ninety days or more will not meet the federal government's definition of chronic homelessness, excluding them from national subsidized supportive housing. Changing this policy would allow those who were incarcerated the accessibility to more housing opportunities<sup>38</sup>.
4. Local governments should fund more employment opportunities for formerly incarcerated individuals by offering certified entrepreneurial training programs. Doing so will enable these individuals to go into business for themselves, reducing the recidivism rate.

### **Involvement of Local Communities**

The community is a vital part of human interaction and social development. As such, the role of the community is to create an environment that is supportive, safe, accepting, sharing, and filled with opportunities to help its members form meaningful connections to develop a sense of

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<sup>37</sup> Karger, H. J., & Stoesz, D. (2018). American social welfare policy: A pluralist approach. Pearson

<sup>38</sup> Federal Register. GovInfo. (2022, June 14). Retrieved April 2, 2023, from <https://www.govinfo.gov/help/fr>

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belonging and increase chances of success. In a report conducted by the Congressional Research Service, they deduced that 95% of all inmates would return to the community after incarceration<sup>39</sup>. With this number of formerly incarcerated people re-entering the community, the local communities must have systems to curtail recidivism and homelessness rates. To aid in the elimination of homelessness among formerly incarcerated people in the community, the community may:

1. Partner with the criminal justice system to implement a prison-to-community reentry program within the prison that connects the inmate to housing and services available in their community to allow a smooth transition into society.
2. Form a reentry committee within the community to rally around formerly incarcerated individuals, offer support and mentorship, and connect them to social services available when released.
3. Meet with their District political representative to advocate for a "Reentry Awareness Month" to spread awareness about the barriers the formerly incarcerated faced upon release.
4. Offer financial literacy training to teach adequate money and debt management to lessen financial stress and achieve seemingly unachievable goals like housing.
5. Collaborate with community activists to lobby for legislation to remove critical barriers to public housing for people with a criminal history.

### **Involvement of Faith Community**

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<sup>39</sup> Offender reentry: Correctional statistics, reintegration into the ... (n.d.). Retrieved April 2, 2023, from <https://sgp.fas.org/crs/misc/RL34287.pdf>

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At the forefront of enacting change is the Faith-based community motivated by biblical imperatives that influence how they serve others; by way of the church. Much like its doctrine taught in the Book of Acts, which states that material resources were shared in the community so that no one was in need, the church stressed the need to help the poor and those that society deemed unworthy<sup>40</sup>.

Many church communities have created programs that offer assistance for incarcerated individuals in different capacities, one being the issue of housing. The church approached holistically establishes relationships with inmates up to 12 months before release to prepare them for reentry and prevent recidivism<sup>41</sup>. Establishments such as Riverside Church's prison ministry, which lobbies for prison reform and humane legislation, correspond with incarcerated inmates and lead discussions, bible studies, conferences, and host forums on criminal justice issues<sup>42</sup>.

Faith-based communities are responsible to the larger community to be impactful for Christ; through spreading the gospel and serving the community. It states in the Holy Bible, the Book of James, chapter 2, verse 16, that "If one of you says to them, "Go in peace; keep warm and well fed," but does nothing about their physical needs, what good is it?"<sup>43</sup>. Likewise, the

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<sup>40</sup> Scales, T. L., Kelly, M. S., Patton, T. M., Huyser, M. A., & Wolfer, T. A. (2020). Christianity and Social Work: Readings on integrating Christian faith and Social Work Practice. North American Association of Christians in Social Work.

<sup>41</sup> United States Department of Justice. (n.d.). Retrieved April 2, 2023, from <https://www.justice.gov/archive/fbci/docs/reentry-partnership.pdf>

<sup>42</sup> Keat, J. (2021, September 14). *Prison ministry*. Riverside Church. Retrieved April 2, 2023, from <https://www.trcnyc.org/ministries/prisonministry/>

<sup>43</sup> James 2:16 if one of you says to them, "go in peace; Keep Warm and well fed," but does nothing about their physical needs, what good is it?: New International Version (NIV): Download the bible app now. YouVersion | The Bible App | Bible.com. (n.d.). Retrieved April 2, 2023, from <https://www.bible.com/bible/111/JAS.2.16.NIV>

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Book of 1 John chapter 3, verse 17 states, "If anyone with earthly possessions sees his brother in need, but withholds his compassion from him, how can the love of God abide in him?"<sup>44</sup>. If we are to profess Christ and not actively share in the suffering that plagues the community, are we proclaiming Christ?

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James 2:16 if one of you says to them, "go in peace; Keep Warm and well fed," but does nothing about their physical needs, what good is it?: New International Version (NIV): Download the bible app now. YouVersion | The Bible App | Bible.com. (n.d.). Retrieved April 2, 2023, from <https://www.bible.com/bible/111/JAS.2.16.NIV>

Keat, J. (2021, September 14). *Prison ministry*. Riverside Church. Retrieved April 2, 2023, from <https://www.trcnyc.org/ministries/prisonministry/>

<sup>44</sup> 1 john 3:17-18 if anyone has material possessions and sees a brother or sister in need but has no pity on them, how can the love of god be in that person? Dear Children, let us not love with words or speech but with the New international version (NIV): Download the bible app now. YouVersion | The Bible App | Bible.com. (n.d.). Retrieved April 2, 2023, from <https://www.bible.com/bible/111/1JN.3.17-18.NIV>

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