

"I have come to heal..." Restorative Justice

This is the fourth in a series of six pastoral statements by Catholic Bishops of the South on the Criminal Justice process and a gospel response.

"We are guided by the paradoxical Catholic teaching on crime and punishment: We will not tolerate the crime and violence that threatens the lives and dignity of our sisters and brothers, and we will not give up on those who have lost their way. We seek both justice and mercy. Working together, we believe our faith calls us to protect public safety, promote the common good, and restore community. We believe a Catholic ethic of responsibility, rehabilitation, and restoration can become the foundation for the necessary reform of our broken criminal justice system."

U.S. Catholic Bishops statement, "Responsibility, Rehabilitation, and Restoration: A Catholic Perspective on Crime and Criminal Justice," November 2000.

As pastoral leaders of the Roman Catholic community, we would like to continue to reflect with you on the themes of responsibility, rehabilitation and restoration in light of the reality of crime and criminal justice in our area of the country.

Prisons, like wars, are public admissions of defeat for humanity. Whenever possible, alternatives for incarceration must be searched for and implemented. Such an alternative is the approach of restorative justice.¹

All of us have a right to public safety and protection from violence. The criminal justice system was created when public safety was threatened, when violence occurred. Our current criminal justice system is based on retribution - those who cause suffering by committing crime are to be punished by the government for what they have done wrong.² However, many people, including many victims of crime, think the current system is not working. The US Catholic Bishops and others are exploring alternative ways to create safe communities, including giving part of the criminal justice system an option to try another approach, the way of restorative justice.

Restorative justice focuses first on the victim and the community harmed by the crime. In this way it is different than the state versus criminal model. This shift in focus affirms the hurt and loss of the victim, as well as the harm and fear of the community, and insists that offenders come to grips with the consequences of their actions. These approaches are not "soft on crime" because they specifically call the offender to face victims and the communities. This experience offers victims a much greater sense of peace and accountability. Offenders who are willing to face the human consequences of their actions, are more ready to accept responsibility, make reparations, and rebuild their lives.³

We recognize, however, that neither all victims nor all perpetrators are ready for a restorative justice process. Restorative justice does not replace the current court system. It offers an alternative resolution service for people who want to try another approach. For example, some places are offering mediated victim-offender community conferences. These provide facilitators to help victims and offenders seek reconciliation and resolution. If there is a resolution, it would include a written agreement identifying the injustice that took place and the steps the offender should take to make things right. If the parties are unwilling or unable to reach resolution using cooperative processes, the matter can be referred to back to regular criminal court.⁴

Restorative justice also seeks alternatives to continuing to put more and more people in jail. The US now has over 2 million people in local, state and federal jails and prisons. We have a higher percentage of our people in prison than any country in the world. Racism plays a definite role as African American males are imprisoned at a rate over 7 times as high as white males.⁵ Our society seems to prefer punishment to

rehabilitation and retribution to restoration thereby indicating a failure to recognize prisoners as human beings.⁶

A Catholic approach never gives up on those who violate laws. We believe that both victims and offenders are children of God. Despite their very different claims on society, their lives and dignity should be protected and respected. We seek justice, not vengeance. We believe punishment must have clear purposes: protecting society and rehabilitating those who violate the law. We believe a Catholic vision of crime and criminal justice can offer some alternatives. A Catholic approach leads us to encourage models of restorative justice that seek to address crime in terms of the harm done to victims and communities, not simply as a violation of law.⁷

Restorative justice seeks sentences that make amends to the victim of crime and to the community as a whole. For example, some communities use a process in which representatives of law enforcement, the victim, and the community meet with the offender. They require that the harm to the victim be repaired, the harm to the community be repaired, there be some demonstration of understanding of how the behavior harmed the community, and a plan for avoiding such behavior in the future. After these consultations, offenders are required to sign an agreement that spells out how they are to make amends.⁸

We recognize a role for prisons. Our criminal justice system should punish offenders and, when necessary, imprison them to protect society. Their incarceration, however, should be about more than punishment. Since nearly all inmates will return to society prisons must be places where offenders are challenged, encouraged and rewarded for efforts to change their behaviors and attitudes. And where they learn the skills needed for employment and life in community.⁹ Programs in jails and prisons that offer offenders education, life skills, religious expression, and recovery from substance abuse greatly reduce recidivism, benefit society, and help the offenders when they reintegrate into the community. These programs need to be made available at correctional institutions regardless of the level of security. And be offered, to the extent possible, in the language of prisoners.¹⁰ Those in jail could also participate in re-entry group conferences with victims and community representatives and mentors to help guide and support their re-entry into society.¹¹

We know that *all* inmates of jails and prisons are an integral part of a diocese and a parish. They are also to be served rather than neglected. The fact that they are out of sight calls for Church structures to place their needs as a high priority. Ministry in criminal justice calls for special training in order that pastoral care may be effective. The diocese and the parish must assume a portion of the responsibility regarding restorative justice principles.

We again ask all people of good will to join us in a thorough re-examination of our criminal justice system. When we respond to the evils of crime we must do so in a manner that is consistent with our commitment to the essential human dignity of each person, whether they be victims of crime or offenders. We call on all people of faith to pray, study and act in order to transform every unjust aspect of our current criminal justice system so that it respects the essential human dignity of each and every victim and each and every offender.

1 Les Schmidt, June 30, 2003

"The common good is undermined by criminal behavior that threatens the lives and dignity of others. The common good is also undermined by policies which seem to give up on those who have broken the law by offering too little treatment *and* too few alternatives to years in prison. Source, USCCB, RRR. "Introduction."

"Not all methods of reducing crime are consistent with the teachings of the Church and the ideals of our nation." Source, USCCB, RRR. "Some Dimensions of Crime and Punishment in the United States." "Punishment cannot be reduced to mere retribution, much less take the form of social retaliation or a sort of institutional vengeance." Homily, "Jubilee in Prisons," Pope John Paul II, July 9, 2000. http://www.vatican.va/holy_father/john_paul_ii/index.htm

2 Elizabeth Linehan, "Retribution and Restoration: The Two Paths," Blueprint for Social Justice, January 2003. Published by the Twomey center for Peace Through Justice, Loyola University. A copy can be found on the web at <http://www.loyno.edu/twomey/blueprint/Jan03.htm>

3 USCCB, RRR. This is from "Policy Foundations and Directions, Section 6, Encouraging innovative programs of restorative justice that provide the opportunity for mediation between victims and offenders and offer restitution for crimes committed."

4 Source: www.restorativejustice.org
Specific information about victim offender community conferences is found at http://www.restorativejustice.org/rj3/Introduction-Definition/Tutorial/Victim_offender_mediation.htm

The restorative justice web site is a program of International Prison Fellowship, a coalition of 105 national organizations, which maintains consultative status with the UN Economic and Social Council and is an active participant in the UN Alliance of NGO's on Crime Prevention and Criminal Justice.

In the USA, prison fellowship partners with local churches across the country. Their goal is "to minister to a group that society often scorns and neglects: prisoners, ex-prisoners, and their families. The focus of our ministry includes fellowship with Jesus (including teaching others to live and look at life from a biblical perspective), visiting prisoners, and welcoming the children of prisoners."

5 Source: The Sentencing Project, a widely respected research project located in Washington DC that researches and publishes analysis of US sentencing trends and data published by the US Department of Justice. This is from the publication "New Inmate Population Figures Demonstrate Need for Policy Reform,": "The new prison figures demonstrate dramatic racial disparities in the use of imprisonment, with African-American males in prison at a rate 7.6 times that of white males, and Hispanic males at a rate of 2.6 with white males."

On the web at <http://www.sentencingproject.org/pdfs/Prisoners2002.pdf>

6. USCCB, RRR. This is from the section "Scriptural, Theological, and Sacramental Heritage."

7 USCCB, RRR. This is from the section "Scriptural, Theological, and Sacramental Heritage."

8. Kay Pranis, "From Vision to Action: Some Principles of Restorative Justice," CHURCH AND SOCIETY March/April 1997, 32-42. A summary Of this article is available on the web at

<http://ssw.che.umn.edu/rjp/Resources/Documents/News-2-1.pdf>

Hard copy is available.

9 USCCB, RRR This is from the section titled "Policy Foundations and Directions, Section 7, Insisting that punishment has a constructive and rehabilitative purpose."

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(See footnote 4 above).

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Archbishop John Favalora Miami, FL	Bishop Victor Galeone St. Augustine, FL
Bishop John Nevins Venice, FL	Bishop Kevin Boland Savannah, GA
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