

# **LET JUSTICE AND MERCY MEET**

## **CRIME, PUNISHMENT AND THE COMMON GOOD IN LIGHT OF SACRED SCRIPTURE AND CATHOLIC TEACHING**

**A STATEMENT OF THE CATHOLIC BISHOPS OF LOUISIANA**

**THE MOST REV. FRANCIS B. SCHULTE  
THE MOST REV. ALFRED C. HUGHES  
THE MOST REV. WILLIAM B. FRIEND  
THE MOST REV. SAM JACOBS  
THE MOST REV. MICHAEL JARRELL  
THE MOST REV. EDWARD J. O'DONNELL  
THE MOST REV. EDWARD K. BRAXTON  
THE MOST REV. DOMINIC CARMON SVD**

**JANUARY 2002**

**LOUISIANA CATHOLIC CONFERENCE  
3423 HUNDRED OAKS AVENUE  
BATON ROUGE, LOUISIANA 70808  
225/344-7120**

*Acknowledgments*

The Bishops of the Louisiana Catholic Conference  
acknowledge with gratitude the contributions  
of those who assisted in developing  
this pastoral statement on restorative justice.

We especially thank Fr. William Maestri  
for his contribution in the development of the document.

We also thank those individuals with whom we consulted  
in further development of the draft document.  
These included state government officials, judges, district attorneys,  
prosecuting and defense attorneys, prison wardens,  
families of crime victims, families of prisoners,  
former inmates, prison chaplains,  
and persons involved in prison ministry and advocacy.

This extensive consultation has helped produce a pastoral statement  
*Let Justice and Mercy Meet*  
which we believe and hope will inspire mercy  
in the administration of justice, particularly in Louisiana.

## Introduction

The recent celebration of the Church's Jubilee Year needs to continue as we remain open to the ongoing renewal offered through the Holy Spirit. A reading of the signs of the times makes it clear that the people of our country, and our state, are deeply troubled by the prevalence of violent crime in our midst and are searching for direction in this troubled area. Even as St. John on Patmos addressed the suffering seven churches in the Book of Revelation with a message of hope, so do we now address the seven diocesan churches of Louisiana with these words of life.

We, the Catholic Bishops of Louisiana, urge a careful reflection on the recent pastoral statement of the Catholic bishops of the United States, *Responsibility, Rehabilitation and Restoration: A Catholic Perspective on Crime and Punishment*. It is a statement which attempts to address some of the complex issues surrounding crime and punishment. As bishops we do not speak with the technical expertise of the penologist, but with the armor of faith and the shield of a good will. We speak as shepherds in imitation of the Good Shepherd who leads those under his care to the verdant pastures of the fullness of life, shared partially in this world and completely in eternity.

We speak not only to the Catholic people of Louisiana, but also to all men and women of good will. We draw our message from God's revelation to his people, expressed in its fullness in Jesus Christ, recorded in an inspired way in Sacred Scripture and handed down authoritatively in the Church through the centuries. But we also claim that this message is rooted in truth which all men and women can recognize and accept.

### I. Crime and Punishment in Louisiana

In the pastoral statement of the United States Catholic Bishops, *Responsibility, Rehabilitation and Restoration*, the bishops present a synopsis of the staggering statistics relative to crime, conviction and imprisonment across our land.

Crime is also a serious problem in our state. In Louisiana, with the highest number of incarcerated per capita of all states in this country, the adult prison population is approaching 36,000. The overwhelming percentage of prisoners is male (92.6%), African American (76.3%), and is serving time for violent (39%), drug (31%), or property crimes (21%). In addition, of the 36,000 adult inmates in Louisiana prisons, there are more than 3,400 serving life sentences and 82 inmates on death row.

The adult prison population is only part of those under the supervision of the State Department of Corrections. There is a significant adult population on probation (36,000) and parole (22,000). When the adult prison population is added to the probation and parole populations, the Louisiana Corrections System has more than 93,000 people under its supervision. These figures do not include those confined to a forensic mental health institution.

In addition, there are currently about 2,800 federal prison inmates in Louisiana. Almost 1,800 more are federal defendants under supervision in Louisiana.

Along with this large adult prison population, Louisiana has a significant juvenile offender population. This juvenile population totals more than 8,000. A significant percentage of crimes committed by juvenile offenders is classified as violent in nature (40-50%). As with the adult prison population, the vast majority of juvenile offenders are male (97%) and African American (88%).

The annual operating budget for corrections in the United States totals \$35 billion. In Louisiana, the 2001-2002 budget for the Department of Corrections totals \$583 million, of which a significant majority is spent on the adult prison population (over \$267.5 million). These figures do not include capital expenses. The budget for handling federal prisoners in Louisiana is more than \$60 million; the budget for those under federal supervision in Louisiana outside of prison is almost \$5 million per year.

## **II. Restorative Justice**

These statistics can seem overwhelming. The predictions of penologists for the future are not encouraging. These challenges alone urge us to a new way of thinking and acting. As bishops we have drawn from our scriptural, theological and sacramental heritage in *Responsibility, Rehabilitation and Restoration* to outline an approach to crime and punishment, not unlike the moral vision of the human person in society which originally inspired the prison system in the United States. This vision is called *restorative justice*.

Justice involves right order. *Restorative justice* involves the return to right order, effected through the acceptance of responsibility, the assignment of appropriate punishment and the return or restoration of as many as possible to the human community. The appropriate punishment redresses the harm done to the victims, their families and the wider society and both rehabilitates offenders and restores them to their families. Hence, the title of our national document, *Responsibility, Rehabilitation and Restoration*.

Victims need to know that offenders have come to grips with their *responsibility* and are willing to make amends. Offenders need to acknowledge their *responsibility* and be willing to be *rehabilitated* and to make amends to the victims, their families and the wider community. Society needs to experience that the right order, which had been violated, has been *restored*.

## **III. Restorative Justice and Capital Punishment**

*Restorative justice* also calls on us to reject capital punishment as an effective and moral means of confronting crime. Death does not restore, heal, or make whole what was lost. Death only causes more death. When the state imposes death as a sentence, a further insensitivity to the loss of life is the result. The death penalty makes it easy to give up on others and neglect the underlying causes which yield violence and death. As a people of the Gospel of Life, we are called to build a civilization of life and love.

In 1994 we, the Catholic bishops of Louisiana, published a statement entitled, "Violence in our Society: Death is Not the Answer." We clearly rejected the use of the death penalty in our time as a morally acceptable means of controlling violence and responding to crime, not because the state does not have the responsibility to protect citizens, but because we have alternate means to accomplish this today. We indicated that the death penalty only furthered the culture of violence and death. The passing of time has not altered our rejection of the death penalty.

## **IV. Toward A Restorative Public Policy**

The reality of crime and punishment in Louisiana cannot be reduced to statistics. Ultimately we are speaking about our fellow citizens, our brothers and sisters in Christ, and we are speaking about ourselves. The responsibility for dealing with this issue cannot be placed solely upon the shoulders of our public officials. In varying degrees, we all share responsibility to promote the common good and strengthen a just public order.

We offer some proposals as pastors. They flow from our Judeo-Christian heritage. We believe that they have broad implications for the common good. So we also invite all people of good will to join us in considering and adopting them:

- To support the National Victims Bill of Rights and provide resources for victims of crime and their families (material, spiritual, and psychological).
- To provide opportunities for victims and their loved ones who wish to meet with offenders who are willing to repent and contribute to restorative healing.
- To offer continuing education and professional training to the dedicated men and women in the corrections system and to ensure that they receive adequate wages.
- To develop juvenile and youthful offender programs which emphasize education, work skills, counseling, and, when possible, restoration to the family and community.
- To promote creative programs which can reduce the readmission rates.
  - Faith based initiatives ministering to prisoners, staff and families of staff.
  - Effective drug courts that can oversee the medical treatment of nonviolent offenders with substance-abuse addictions. Rather than treating addiction as a crime society would then view it as a disease. Treatment would include counseling, education, community service and job placement.
  - More rehabilitative opportunities, alcoholic treatment centers and mental health treatment facilities.
  - Increased opportunities for community service by prisoners.
  - Community sentencing, through which courts, rather than incarcerating nonviolent offenders, would place the convicted in a setting which allows for work, counseling, and education with the goal of being integrated back into society. Sufficient resources need to be allocated to ensure adequacy of community supervision.
  - Improvement and expansion of pre-release programs to facilitate the transition from incarceration back into the community.
  - Housing and work for ex-offenders.
  - Realistic review of rehabilitation efforts relative to pardon or parole.
- To provide for the parole of older prisoners and the terminally ill who have served a significant number of years and no longer pose a threat to other citizens.
- To plan to eliminate housing of out-of-state prisoners and operation of for-profit prisons.
- To reject, in the name of the Gospel of Life, the death penalty as an effective and moral way of dealing with crime.

## **V. The Church's Role in Restorative Justice**

The above recommendations are presented as proposals for dialogue with other Christian churches and other faiths as well as the wider community. We are offering a religiously inspired context for a creative reassessment of our attitudes, thinking and policies in addressing one of the most pressing moral and ethical issues in the society in which we live. We do not offer these as final proposals. We present them for discussion as possible ways of promoting *restorative justice* in our community.

We commit ourselves in the Church to do our part to expand our efforts:

- To offer pastoral care to victims, offenders and the families of both.
- To work with local media in providing information for stories which include rehabilitation and restoration.
- To provide opportunities in our seminaries, parishes, and dioceses for education about crime, punishment and *restorative justice*.

## **VI. A Pastoral Message**

We wish to address these words to those in our midst most involved with crime and its elimination:

1. To all who are professional men and women in our correctional system: We deeply appreciate and value your work and encourage you to respect the dignity of those under your charge. Your work and commitment help establish security so the common good can be promoted.

2. To our appointed and elected officials: We encourage you to renounce any purely punitive, vengeful, or simplistic approaches to crime. We need your courageous and prudent efforts in developing a public correctional policy that promotes rehabilitation and restoration. Those in prison often need psychological counseling, spiritual direction, education and medical care to overcome alcohol addiction, drug addiction, and other personality or psycho-social disorders. This is an investment that costs money. Yet, in the long run, such spending is cost effective and reflective of an authentic desire to promote the moral treatment of those in prison.

3. To judges, district attorneys, criminal defense attorneys, police officers and others who participate in our criminal justice systems: We acknowledge with gratitude the difficulty of that task and your own dedication and commitment to carrying it out. We urge you never to cease seeking truth and justice above all, treating witnesses, suspects and offenders with the respect due every human being and avoiding all temptation, however great it may be, to simply win a case or uphold a conviction.

4. To all who are victims of crime and to your loved ones: You have suffered directly and paid a great price at the hands of those who violated your dignity and rights. We reach out to you in sympathy and solidarity. We encourage you to move beyond feelings of vengeance. Jesus Christ gave us an example on the Cross as he forgave those who had wronged him. Christlike forgiveness brings healing and frees you to move on in life with fewer paralyzing wounds.

5. To those in prison: We come proclaiming the Gospel of life and liberation. You will become spiritually free if you can be freed from that sin which separates you from God, keeps you from loving your neighbor and encumbers your respecting yourself as a child of God. This involves a genuine repentance for the wrong you have done and concrete action to make restoration to those whom you have injured. Good use of your time in prison to grow spiritually and develop the talent for good that God has given you is very important in the process of restoration. If you have been unjustly imprisoned, we encourage you to persevere in all legal measures you can take to appeal your conviction.

6. To the media: You have a pivotal role to play in the formation of public attitudes toward crime and punishment. We invite you to use your power in a responsible manner, that is, to further truth,

true justice, and the common good. We ask you to resist the temptation to sensationalize the plight of victims or offenders. You can honestly inform and help society appreciate the human tragedy associated with crime and assist people to appreciate the difference between *restorative justice* and vengeful punishment.

7. To those who minister faithfully and genuinely to offenders or victims in the name of the Church: Your ministry is deeply appreciated by the whole Church. The Lord Himself promised a rich reward when he proclaimed to those who visit prisoners, “As often as you did it to one of these the least of my brethren you did it to me.” (Mt. 25:40)

8. To the Catholic community of faith, to our Christian brothers and sisters, to those of other faiths and to all men and women of good will: We invite you to join together in the work of *restorative justice*. The moral and spiritual resources of our faith communities are powerful forces for renewal. We can join together in challenging the culture of violence and death with a new civilization of life and love.

### **Conclusion: Be Not Afraid**

Pope John Paul II has challenged us to cross not a barrier of time and space but a barrier of the human spirit. We are challenged to cross the threshold of hope and be witnesses to the new springtime of evangelization. The preaching of the Gospel of Life takes on a greater urgency in the face of the culture of death. The culture of death seems to promise safety and security but in reality only furthers our anxiety. The restless heart of contemporary man is once again searching for that security which yields a peace the world cannot give or take away. Man is once again open to hear the Gospel of Jesus Christ. For Jesus Christ alone is the truth about God and the truth about the meaning of existence.

Yet we must ask: How do we know that our hope will not end in despair? We know because this hope is not based merely on our own poor efforts but on the God who is always faithful. We know it because in the face of sin and death, Jesus Christ took them into himself and conquered them by Love. It is this Love which heals the deepest wounds and transforms our brokenness so that we may walk aright in His ways. The great enemy of this hope and this Love is fear.

The temptations to fear, despair, and vengeance are always present. They are often presented as prudence, realism, and just giving others what they deserve. If we give in to this attitude, we become imprisoned behind the walls of isolation that our fear has erected. We, the Catholic Bishops of Louisiana, write to the seven diocesan churches of Louisiana to proclaim the truth which sets us free, and that Love which overcomes the walls of fear. We say, “Be not afraid.” These words can be spoken and believed because of the One who guarantees their truth. These words can be our hope because of the One who overcomes our despair at Easter. We can offer these words because the One who is Love drives out all fear (1 Jn. 4:18). We can dare to lay aside retribution and seek restoration because the One who restores has shown us the way: “Behold, God’s dwelling is with the human race. He will dwell with them and they will be his people and God himself will always be with them as their God. He will wipe away every tear from their eyes, and there shall be no more death or mourning, wailing or pain, for the old order has passed away.” (Rev. 21:3-4)

## Questions for Reflection and Discussion

1. Explain *restorative justice*. How does this concept help us address the question of crime and punishment? How does this concept differ from our present model of punishment as expressed in
    - responsibility?
    - rehabilitation?
    - restoration?
  2. Why should we re-examine the death penalty today in light of the Gospel of Life?
  3. What are some of the more troubling aspects of crime in the state of Louisiana? In what ways can the state and the Church work together for the common good?
  4. In what ways can parishes and dioceses reach out in a healing way to victims and their loved ones, to offenders and their families, and to a society fragmented and fearful in the face of crime and its consequences? What spiritual resources are essential?
- 

## References and Resources

Bureau of Justice Statistics: Crime Victimization; Homicide Trends in the U. S. by Age, Gender, and Race; Alcohol Involvement/Drug Use and Crime; and Mental Health and Treatment of Inmates and Probationers.

Catechism of the Catholic Church, Second Edition, no. 2265

Consedine, Rev. James. Restorative Justice: Healing the Effects of Crime and, with Helen Bowen, Restorative Justice: Contemporary Themes and Practices. America, February 26, 2000. "Restorative Justice: An Interview with Jim Consedine," by George M. Anderson, S.J.

Death Penalty Information Center, DPIC Internet Home Page, March 17, 2000. Statistics on executions for individual states and the United States as a whole.

Department of Corrections, State of Louisiana, Fact Sheet on various demographic profiles of adult and juvenile corrections populations. January 2000.

John Paul II, The Gospel of Life and Crossing the Threshold of Hope.

Louisiana Catholic Conference, "Violence in our Society: Death is Not the Answer," June 2, 1994.

NAACP Legal Defense Fund, Death Row USA, September 1, 1999.

New Mexico Bishops statement on the Correction System, February 13, 1997.

Schnapp, Patricia, R. S. M., "It's Time to Rethink Our Criminal Justice System." St. Anthony Messenger, January 2000.

U.S. Bishops' Pastoral Statement, Responsibility, Rehabilitation and Restoration: A Catholic Perspective on Crime and Criminal Justice, December 2000.

Wisconsin Catholic Conference, "Public Safety, the Common Good, and the Church: A Statement On Crime and Punishment in Wisconsin," September 1999.