



Department of Justice, Peace and Human Development
Office of Domestic Social Development

Criminal and Restorative Justice and Sentencing Reform

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“Experience tells us that enhancing and enforcing penalties often fails to resolve social problems, nor do they result in reducing the crime rate. Moreover this method can create serious problems for the community, such as overcrowded prisons and people held without [valid] convictions.... In many cases the offender fulfills his punishment objectively, serving his sentence but without changing inside or healing his wounded heart.”

--Pope Francis May, 30 2014

BACKGROUND

During this Jubilee Year of Mercy, Pope Francis has called us “to make compassion, love, mercy and solidarity a true way of life, a rule of conduct in our relationships with one another” (2016 World Day of Peace Message). A Catholic approach to criminal and restorative justice then recognizes that the dignity of the human person applies to both victims of crime and those who have committed harm. Justice includes more than punishment. It must include mercy and restoration. A simplistic punitive approach to justice can leave victims of crime with feelings of neglect, abandonment and anger making reconciliation and healing difficult. A restorative justice approach is more comprehensive and addresses the needs of victims, the community and those responsible for causing harm through healing, education, rehabilitation and community support.

People ought to be held accountable for their actions but justice and restoration must be the object of punishment which must have a reformative purpose. In the thirteenth century, Saint Thomas Aquinas wrote, "In this life, however, penalties are not sought for their own sake, because this is not the era of retribution; rather, they are meant to be corrective by being conducive either to the reform of the sinner or the good of society, which becomes more peaceful through the punishment of sinners" (*Summa Theologica*, II-II, Q. 68 A.1).

Rehabilitation and restoration also include the spiritual dimension of healing and hope. Those who are impacted by crime or commit crime need the healing power that comes from being reconciled with their neighbor and community, as well as with God.

For restorative justice to be effective, it must also address the systemic and structural barriers to healing such as racial and economic disparity, cycles of crime and incarceration and the breakdown of the family. Those returning to the community following incarceration face significant barriers such as homelessness, unemployment, poverty, substance abuse, emotional and psychological stress, and social isolation. Without the proper support to help them succeed, recidivism is more likely placing the person in an almost endless cycle adversely impacting the community and the life and dignity of the returning citizen.

USCCB POSITION

In his talk with prisoners at the Curran-Fromhold Correctional Facility outside Philadelphia in September, Pope Francis stated, “This time in your life can only have one purpose: to give you a hand in getting back on the right road, to give you a hand in helping you rejoin society. All of us are part of that effort, all of us are invited to encourage, help and enable your rehabilitation.” The Holy Father highlights the important

relationship between incarceration and rehabilitation and suggests that responses other than incarceration may be helpful in certain circumstances.

The U.S. Bishops have also called for a restorative justice approach. In their 2000 pastoral statement, *Responsibility, Rehabilitation, and Restoration: A Catholic Perspective on Crime and Criminal Justice*, the Bishops stated, “Just as God never abandons us, so too we must be in covenant with one another. We are all sinners, and our response to sin and failure should not be abandonment and despair, but rather justice, contrition, reparation, and return or reintegration of all into the community.”

ACTION:

Congress has the opportunity to advance legislation that will enact meaningful sentencing reform and support for important reentry programs. Urge your Senators and Representative to support policies that lift up human life and dignity, promote civility, community safety, and help reform people’s lives harmed by crime and violence.

- **The Sentencing Reform and Corrections Act of 2015 (S. 2123)** is a bipartisan bill introduced in the U.S. Senate that would reduce several federal mandatory minimum drug and firearms related sentences and make those reductions retroactive. It makes the *Fair Sentencing Act of 2010* retroactive which established parity in sentencing between crack and powder cocaine offenses. It expands the federal “safety valve” exception for drug mandatory minimum sentences giving judges more discretion and, allows many federal prisoners to earn time credits for completing rehabilitative programs in prison.
- **Sentencing Reform Act of 2015 (H.R. 3713)** is a bipartisan bill introduced in the U.S. House of Representatives that would reduce several federal mandatory minimum drug and firearms sentences and make those reductions retroactive for some prisoners. It makes the *Fair Sentencing Act of 2010* retroactive which established parity in sentencing between crack and powder cocaine offenses, and, also expands the federal “safety valve” exception for 5- and 10-year drug mandatory minimum sentences (not retroactive) giving judges more flexibility in sentencing.
- **Second Chance Reauthorization Act (S. 1513, H.R. 3406):** Authorizes funding for reentry programs that help people leaving prison reintegrate back into their communities in healthy and productive ways. Programs that focus on education, literacy, job-placement, substance abuse treatment and others help people be productive members of society. These programs are often administered by faith based groups.

RESOURCES

- Pope Francis, “Message for World Day of Peace: Overcome Indifference and Win Peace,” January 1, 2016.
http://m.vatican.va/content/francescomobile/en/messages/peace/documents/papa-francesco_20151208_messaggio-xlix-giornata-mondiale-pace-2016.html
- *Responsibility, Rehabilitation, and Restoration: A Catholic Perspective on Crime and Criminal Justice* at USCCB Website: <http://www.usccb.org/issues-and-action/human-life-and-dignity/criminal-justice-restorative-justice/crime-and-criminal-justice.cfm>
- USCCB Web Page on Criminal and Restorative Justice Issues: <http://www.usccb.org/issues-and-action/human-life-and-dignity/criminal-justice-restorative-justice/index.cfm>
- Prison Policy Initiative, “Mass Incarceration: The Whole Pie 2015,” December 8, 2015.:
<http://www.prisonpolicy.org/reports/pie2015.html>

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