



## Position Statement on Restorative Justice Recommendations by the Voice of the Poor Committee Council of the United States

"If the question which disturbs the world around us today is neither a question of political modalities, but a social question; if it is the struggle between those who have nothing and those who have too much; if it is the violent clash of opulence and poverty which shakes the earth under it, our duty to ourselves as Christians is to throw ourselves between these two irreconcilable enemies, and to make the ones divest themselves so as to fulfill a law, and the others accept as a benefit; to make the ones cease to demand, and the others to refuse; to make equality as operative as possible among men; to make voluntary community replace imposition and brute force; to make charity accomplish what justice alone cannot do. It is then good to be placed by Providence on neutral ground between the two, to have paths and minds open to both, without being forced in order to mediate to ascend too high or to descend too low."

Frederic Ozanam, Founder, Society of St. Vincent de Paul (1)

### Message From Our President

Dear Vincentians:

The United States Council of the Society of St. Vincent de Paul is taking a major step with this position paper on Restorative Justice, which encourages our Society to be inventive and reach out in new directions of service. This document challenges members to stand up for our vocation and to be present to all of God's children. In my personal experience, and in the stories that I have heard from Vincentians involved in prison ministry, we have a great opportunity to bring to light issues involving victims of crime, as well as persons responsible for the act, their families, and those responsible for administering the Criminal Justice process.

Through prayer and action may we become a "visible sign of Christ reaching out to all and drawing them to love one another in Him." May the Holy Spirit guide to heal deeply ingrained wounds of hurt, anger, doubt, and fear. I encourage all Vincentians to commit to this necessary work.

Yours in Vincent and Frederic,

Joseph Flannigan  
National President, Council of the United States

### **Situation**

America's criminal justice system is broken. The US Catholic Bishops came to this conclusion after consulting with "Catholics involved in every aspect of the system — chaplains, police officers, prosecutors, defense attorneys, judges, probation and parole officers, wardens correctional officers, crime victims, offenders, families of both victims and offenders, and treatment personnel."

(2) According to their statement, *Responsibility, Rehabilitation, and Restoration*: "All those whom we consulted seemed to agree on one thing: the status quo is not really working—offenders are often not rehabilitated, and many communities have lost their sense of security. All of these committed people spoke with a sense of passion and urgency that the system is broken in many ways. We share their concern and believe that it does not live up to the best of our nation's values and falls short of our religious principles."(3)

The Western criminal justice system has profoundly shaped the thinking of crime and punishment - not only in the United States, but in much of the world. Described as "retributive justice/punitive obsession," the system has some important strengths. At the same time there is a growing acknowledgment of the inherent limits and failures. "Victims, offenders, and community members often feel that justice does not adequately meet their needs. Justice professionals frequently express a sense of

frustration as well. Many feel that the process of justice deepens societal wounds and conflicts rather than contributing to healing or peace." (4)

Restorative justice provides an alternative. It is an attempt to address some of the needs and limitations of the current system. A variety of approaches have come to light in communities and countries throughout the world in the last 30 years, and today in many places, "restorative justice is considered a sign of hope and the direction of the future. Whether it will live up to this promise remains to be seen." (5)

### **Vincentian Response and Restorative Justice**

While Vincentians might see the role of creating and implementing *Restorative Justice* systems as the responsibility of the state/politicians and criminal justice professionals, the purpose of this position statement is to challenge that perception and to act otherwise. Through prayer and careful reflection on the current broken state of the US criminal justice system, Vincentians guided by the legacy of Frederic Ozanam should begin to see their role as change agents and implementers of restorative gospel values. Approved: National Board of Directors, Sept. 2, 2006 Resolution 7-7-2005/6 19

# Church Teaching

Recognizing that the dignity of the human person applies to both victim and offender, the US Catholic Bishops in 2000 tackled the issue of crime and corrections, justice and mercy, responsibility and treatment in *Responsibility, Rehabilitation, and Restoration*. (6) In this formal statement “scriptural foundations, sacramental and historical heritage, Catholic social teaching, and policy foundations and directions to promote further dialogue and action” are included. “The Catholic community has a tremendous history and capacity to help shape the issues of crime and criminal justice,” they affirm. Important issues touched on by the US Bishops include: “teaching right from wrong, respect for life, forgiveness and mercy; standing with victims and their families; reaching out to offenders and their families; building community; advocating policies that offer real alternatives to crime; and, organizing diocesan consultations.” These are essential elements of restorative justice.

## Restorative Justice Fundamental Principles

The following principles\* are printed by permission. (7)

1. Crime is primarily an offense against human relationships, and secondarily a violation of a law (since laws are written to protect safety and fairness in human relationships).
2. Restorative Justice recognizes that crime (violation of persons and relationships) is wrong and should not occur, and also recognizes that after it does there are dangers and opportunities. The danger is that the community, victim(s), and/or offender emerge from the response further alienated, more damaged, disrespected, disempowered, feeling less safe and less cooperative with society. The opportunity is that injustice is recognized, the equity is restored (restitution and race), and the future is clarified so that participants are safer, more respectful and more empowered and cooperative with each other and society.
3. Restorative Justice is a process to “make things as right as possible” which include: attending to needs created by the offense such as safety and repair of injuries to relationships and physical damage resulting from the offense; and attending to needs related to the cause of the offense (addictions, lack of social or employment skills or resources, lack of moral or ethical base, etc.).
4. The primary victim(s) of a crime is/are the one(s) most impacted by the offense. The secondary victims are others impacted by the crime and might include family members, friends, witnesses, criminal justice officials, community, etc.
5. As soon as immediate victim, community, and offender safety concerns are satisfied, Restorative Justice views the situation as a teachable moment for the offender; an opportunity to encourage the offender to learn new ways of acting and being in community.
6. Restorative Justice prefers responding to the crime at the earliest point possible and with the maximum amount of voluntary cooperation and minimum coercion, since healing in relationships and new learning are voluntary and cooperative processes.
7. Restorative Justice prefers that most crimes are handled using a cooperative structure including those impacted by the offense as a community to provide support and accountability. This might include primary and secondary victims and family (or substitutes if they choose not to participate), the offender and family, and representatives from the community, government, faiths, schools, etc.
8. Restorative Justice recognizes that not all offenders will choose to be cooperative. Therefore, there is a need for outside authority to make decisions for the offender who is not cooperative. The actions of the authorities and the consequences imposed should be tested by whether they are reasonable, restorative and respectful (for victim(s), offender, and community).
9. Restorative Justice prefers that offenders who pose significant safety risks and are not yet cooperative be placed in settings where the emphasis is on safety, values, ethics, responsibility, accountability, and civility. They should be exposed to the impact of their crime(s) on victims, invited to learn empathy, and offered learning opportunities to become better equipped with skills to be a productive member of society. They should continually be invited (not coerced) to become cooperative with the community and be given the opportunity to demonstrate this in appropriate settings as soon as possible.
10. Restorative Justice requires follow-up and accountability structures utilizing the natural community as much as possible, since keeping agreements is the key to building a trusting community.
11. Restorative Justice recognizes and encourages the role of community institutions, including the religious/faith community, in teaching and establishing the moral and ethical standards which build up the community.

\* By Ron Claassen, Director, Center for Peacemaking and Conflict Studies at Fresno Pacific University in Fresno, California.

# Recommendations for Councils and Conferences

The best place to begin in all things is with prayer and reflecting on the Gospel. At Conference and Council meetings pray together. Seek ways to bring the message of Christ's love to the community. Read Luke 23: 33-43 – the crucifixion of Jesus between two criminals, Luke 4: 16-21, and Matthew 25: 36, 44-46. Promote this corporal work of mercy together, and always remember the story of the Good Samaritan in Luke 10: 29-37 when it comes to taking care of victims.

## 1. **Speak out in support of victims, families of victims, the incarcerated, and those involved in criminal justice.**

- ♥ Organize and regularly schedule a liturgy for victims and their families. Form support groups for victims.
- ♥ Help establish formal mediation options, as is done by SVdP's Orange Council in California, to allow a *restorative justice* model to be established.
- ♥ In Los Angeles "tea parties" are held for victim's and the families of victims (of all crimes). It is a place to gather and share stories, support one another, learn about community resources for victims and their families.
- ♥ Remember the needs of youth, and especially victims of the crimes of youth. Seek ways for Vincentians to make a difference at the front end of life to help avoid a life time of criminal behavior.
- ♥ Educate liturgists/homilists around including the incarcerated in prayers of the faithful, homilies, communion dismissals, etc.  
(70 x 7 x 70 x 7 x 70 x 7...)
- ♥ Become a presence and a voice of prayer. Members can establish a prayer ministry at murder sites. Invite parish prayer groups to collaborate. Create a safe and caring environment.
- ♥ Work with criminal justice professionals to see where there are service gaps and help bridge those gaps with presence, resources, and speak out to elected officials on these gaps.
- ♥ Support criminal justice professionals. This group also needs support, challenging etc. Whether it is the District Attorney, Lawyers, the Sheriff, Correctional Officers, Department of Corrections and Rehabilitation personnel and politicians – advocating for reform, for more rehabilitation for more post release services — all come under the banner of *Restorative Justice* activities.

## 2. **Form a Restorative Justice Committee and promote Vincentian ministry of "home visits in prison.**

This committee is known by other names including: Detention Ministry, Jail, Prison, and Aftercare Committee. Set goals and objectives for the committee to oversee and develop a vision for what might be. Visit the incarcerated. Advocate for change in collaboration with the Voice of the Poor Committee. With Conference support, focus on *Restorative Justice* needs within each Council by reaching out to those who are incarcerated. Investigate feasibility of funding a SVdP Jail/Prison Chaplain. In this venue find opportunities to be a voice of the poor.

- ♥ Seek to create a new model of restorative justice for our nation. In California, SVdP's Alameda County Council hosts a homeless court to clear minor citations — a win-win for the court as well as those who seek to clear their records.
- ♥ Communion services, scripture studies, one-on-ones if permitted, and establishment of Conferences on the inside are possibilities to investigate.
- ♥ Support families of the incarcerated with homelessness prevention assistance, child care help/visits to parents, etc..
- ♥ Establish relationships from the first day of incarceration. Maintain contact at sentencing. Begin a letter writing ministry using the District Council address. Remember Frederic wrote volumes of letters. Be at the gate to welcome back (even create a small kit with bus tokens, toiletries, underwear etc.) into society at the time of release. This is bound to take the ex-offender by surprise and provides a sense of dignity and respect.

## 3. **Take the next step. Create transitional programs and bring dreams to reality.**

- ♥ Create training and work opportunities for those recently released from incarceration within SVdP's special works. Make it a priority to employ parolees. Assist to "reconcile" victims and offenders if no opportunity is afforded in the *retributive justice* for such exchanges.
- ♥ Help create housing solutions and support networks for those recently released. SVdP's Catherines' Center a program for women recently released from incarceration in San Mateo County, California is an example.

## 4. **Educate others. Advocate for change.**

- ♥ Develop Vincentian restorative justice resources. For example power-point presentations; videos, print materials for use to educate from early childhood through the senior years. Share these with other Vincentians and with others in the community.
- ♥ Read up on best *restorative justice* practices and advocate for *restorative justice* changes within the criminal justice system.
- ♥ Begin with parishioners, neighbors and work colleagues to overcome fear. Make them aware that "but for the grace of God go I," to help build relationships, to assist with housing, jobs, education, mentoring etc.



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### Vincentian Heritage

**Service to the incarcerated is a tradition of the Vincentian Family beginning with St. Vincent de Paul.**

Fr. José María Román, CM writes:

"Vincent de Paul began to visit the galley slaves in Paris in 1618. That same heart which had been touched by the spiritual abandonment and the physical hunger of the peasants of Chatillon and on the de Gondi estates now shuddered at the sight of this untold misery. Talking to his spiritual daughters forty years later, he could still remember how he felt at that time. 'What happiness, my Daughters, to serve these poor prisoners left abandoned in the hands of men who show them no pity. I have seen these poor people treated like animals and their sufferings moved God to show compassion for them.'" (8, 9)

"Vincent's compassion was never passive or sterile. He immediately set about looking for ways of making the prisoner's painful situation a little easier even if he could not remedy the problem entirely. His first step was to persuade the general to have the prisoners in Paris moved to a more habitable building in the Faubourg St. Honoré near the church of St. Roch and here the prisoners were allowed a more substantial and healthy diet. On Vincent's initiative, the bishop of Paris issued an injunction ordering parish priests, assistant clergy, and preachers, to urge the faithful to participate in the work of helping the condemned men. Vincent was just as concerned with the spiritual welfare of the galley slaves as he was with their material welfare." (8)

"Vincent's selfless labours in Paris and Marseilles induced M.deGondi to look for some way of legalising and perpetuating the work. It came into his mind to create the post of chaplain royal to the galleys in France and this work was entrusted to Vincent....It was the first of Vincent's charitable works to be carried out on a national scale. Vincent was to retain the title all through his life. Shortly before his death he succeeded in having the title linked to the office of superior general of the Mission in perpetuity." (8)

**The experience of imprisonment is found in Vincentian Family history.**

Missionaries to China, St. Francis Regis Clet, CM (1768-1820) and St. John Gabriel Perboyre, CM (1802-1840) were persecuted, imprisoned and executed because of their Christian faith. St. Francis Regis Clet (10) was held in 27 different prisons and eventually executed on a cross. After his death his body was buried by Christians on a hillside. Several decades later, his remains were brought to the Motherhouse in Paris, and are interred at St. Lazare. A few years later John Gabriel Perboyre (11) also went as a missionary to China. There he was imprisoned and tortured for refusing to betray his faith or the identities of his associates. He was lashed to a cross on a hill called Red Mountain and strangled with a rope. (12) A catechist claimed his body and he was buried in the same Christian cemetery as St. Francis Regis Clet. Today St, John Gabriel Perboyre's body is in repose in the chapel of the Motherhouse in Paris.

**Prayer of Saint John Gabriel Perboyre, C.M.**

"O my Divine Saviour, transform me into Yourself. May my hands be the hands of Jesus. May my tongue be the tongue of Jesus. Grant that every faculty of my body may serve only to glorify you. Above all, transform my soul and all its powers so that my memory, will and affections may be the memory, will and affections of Jesus. I pray to you to destroy in me all that is not of you. Grant that I may live but in You, by You and for You, so that I may truly say with St. Paul, 'I live now, not I, but Christ lives in me.'"

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