



Agents of reconciliation

U.S. CRIMINAL JUSTICE POLICY



The U.S. is at a threshold. After decades of “tough on crime” policies, the nation is rethinking how crime and justice should be approached.

What can Christians contribute to the movement on criminal justice reform? As Christians, we believe that the image of God is in everyone (Genesis 1:27). When encountering any person, we have the potential of meeting Jesus himself (Matthew 25:36).

This principle has extensive implications on the way we ought to treat people involved in harm and crime. In the Old Testament, the law of “eye for an eye” was not a mandate for retaliation, but intended to prevent vengeance and disproportionate punishment (Leviticus 24:20).

Jesus provided a deeper understanding of this framework. Instead of seeking vengeance, Jesus taught, “you shall love your neighbor as yourself” (Mark 12:31) and “love your enemies and pray for those who persecute you” (Matthew 5:44).

In the aftermath of harm and crime, the biblical vision of shalom envisions victims being healed and restituted, offenders taking responsibility for their actions and making amends, and community members contributing to the process of healing and forgiveness. Justice—in the context of mercy and love, not vengeance—is sought, and relationships are reconciled.

Followers of Christ are called to be agents of reconciliation, part of God’s work to bring all people and creation to God. What are we doing at this threshold moment? ❁

The call for shalom: Reforming the U.S. criminal justice system

by Agnes Chen

Fifty years have passed since the civil rights movement shook the conscience of people of privilege and power to see the Jim Crow laws for what they truly were: a tool to continue the oppression of communities of color, even after slavery was abolished and declared unconstitutional.

Yet the struggle for justice, equality, and peace across people groups continues. As the U.S. woke up to the injustice it created and maintained through the Jim Crow system, communities of color and low-income

communities have found themselves trapped in another system that is driven by profit and sustained by a massive web of punitive laws, discrimination and violence—a system that has been termed “mass incarceration.”

The rise of U.S. mass incarceration

With more than 2.4 million people in prisons, local jails, and juvenile and immigration facilities, the U.S. has become the world’s leader in incarceration rates. How did this happen?

One significant factor is the failed “war on drugs,” initiated and supported by U.S. lawmakers for the past four decades. This policy, which has cost an estimated \$1 trillion, attempted to deter drug trafficking by initiating military-style drug raids domestically and abroad, and imposing “tough on crime” policies, such as mandatory minimums for drug offense sentences. In addition, “three strikes” laws in states throughout the country have led to much longer prison sentences.

Although the war on drugs has had a negligible effect on the use of illegal drugs, it has resulted in the incarceration of many individuals—including many who are not high-level drug kingpins, but low-level dealers and addicts.

While the U.S. criminal justice system has the potential to affect anybody, in reality the system impacts African-Americans and Latinos far more than whites. One reason for this disparity is the Anti-Drug Abuse Act of 1986, a law which created mandatory minimums for drug offenses as well as a sentencing disparity between powder and crack cocaine of 100 to 1.

Drug raids for crack cocaine have been typically conducted in poor, urban neighborhoods and communities of color. As a result 72 percent of those convicted for federal drug offenses are African-American or Latino, despite the fact that the two groups comprise only 25 percent of the population and are no more likely to use illegal drugs than whites.

The militarization of law enforcement—such as “stop and frisk” rules, no-knock warrants and home seizures led by SWAT teams—have further exacerbated the disparor-

Saving money, time and lives

The Reedley (Calif.) Peace Building Initiative is a community-wide partnership established by West Coast Mennonite Central Committee, Reedley Police Department, and Kings Canyon Unified School District, serving alongside local organizations and community members.

John Swenning, the restorative justice coordinator for West Coast MCC, says, “restorative justice saves money, saves time and saves lives.” In the 2009–10 school year, expulsions at Reedley High School totaled 142. Since the Peace Building Initiative formed in 2011, expulsions dropped to 43 in the 2013–14 school year, creating a new culture of peace.

The Reedley Peace Building Initiative is a process in which sworn officers, school district staff and community members have been trained and understand the philosophy of restorative justice. The process allows lower-level juvenile offenders to be kept out of the justice system and in school.

Using a restorative justice model of mediation, juvenile offenders have the opportunity to take responsibility for their actions and make things as right as possible. The goal is to restore relationships between victims and offenders, prevent offenders from committing further crimes and promote community involvement.

The organizations participating in this initiative have taken an important step toward alternate responses to juvenile crime, while embracing the philosophy of restorative justice and holistic community restoration.

To learn more about the Reedley Peace Building Initiative, visit rpbi-reedley.org.



Jennifer Deibert was the communications coordinator for West Coast Mennonite Central Committee.

Marc Ediger (back to camera), a lieutenant with the Reedley (Calif.) Police Department, meets with a congressional staffer to describe preventive and restorative approaches to public safety shared by the city of Reedley, West Coast Mennonite Central Committee and other partners.

tionate impact of the war on drugs on communities of color and low-income communities.

The “collateral consequences” of incarceration carry on upon prisoners’ release. Returning residents often find themselves unable to access housing, employment, education, and public benefits, as well as voting and jury services. Two-thirds of those released from prison are rearrested within three years.

A restorative approach

In the Gospels, Jesus constantly challenges his followers to seek a fuller understanding of *shalom*, right relationship with God and one another. Jesus’ stories and life showed his commitment to justice for those who have been wronged or shunned by the larger society. He also showed deep compassion for both the sinner (offender) and the sinned against (victim).

Taking God’s compassionate justice as a framework, restorative justice enables all parties, as much as possible, to receive what they need in the aftermath of a wrong or crime: agency, restitution, accountability, forgiveness, community support and transformed relationships.

Policy recommendations

Many Mennonites have led the rediscovery of restorative justice in communities across the country. As restorative justice gains attention in local communities, public policy on criminal justice must parallel the momentum.

Congress should pass laws that would create space for restorative justice to work in communities. This would include, but is not limited to, laws to end punitive sentencing policies, support community policing, and fund reentry and restorative justice programs.

As this issue goes to press, there are several bills pending in Congress that would make the U.S. criminal justice system more restorative:

- The *Smarter Sentencing Act* would cut mandatory minimum sentences for drug offenses in half, increase the ability for judges to sentence a person below the minimum requirement, and make retroactive a law that reduced the sentencing disparity between crack and powder cocaine. At the time of writing, the bill has passed through the Senate Judiciary Committee and needs to be brought to the Senate floor.
- The *Youth PROMISE Act* would fund and support communities by gathering law enforcement and community stakeholders to assess and formulate what they need to support youth.
- The *REDEEM Act* would allow low-level, nonviolent criminal records to be sealed or even removed for juveniles, bans the use of solitary confinement for juveniles, encourages states to raise the age of criminal responsibility to age 18, and removes lifetime bans to federal assistance programs for low-level drug offenders.
- The *Second Chance Reauthorization Act*, originally passed in 2008, would provide much-needed grants for state and local reentry programs.

Conclusion

The current criminal justice system is broken and reflects our society’s fundamental fear and lack of care for the marginalized. Michelle Alexander, author of *The New Jim Crow*, argues, “the core challenge to ending mass incarceration is dispelling the myth that some of us are not worthy of genuine care, concern, and compassion.”

Advocates like yourself can help turn the tide. See the policy recommendations on the insert to learn more about how to end mass incarceration and support the journey of healing and transformation for all.

Agnes Chen was Legislative Assistant and Communications Coordinator in the MCC U.S. Washington Office.



MCC U.S. convened a gathering of restorative justice practitioners in Elkhart, Indiana, in November 2013.

Restorative justice and criminal justice reform

The United States now has the highest incarceration rate in the world, confirming critics’ assertion that we are operating a “prison-industrial complex.” According to the Vera Institute of Justice, the average cost of housing an inmate annually in the U.S. was \$31,286 in 2012.

Of the 600,000 prisoners released back to our communities each year, two-thirds will return to prison within three years. Clearly our ideal of rehabilitation is not successful. The unintended consequences of incarceration often have a harsh impact on families and communities while their loved one is incarcerated, as do the limited options available upon their return to the community.

As a critical stakeholder in the criminal justice system, victims have often felt like a footnote in the process with few opportunities to participate in a meaningful way to have their own needs addressed.

Restorative justice principles and practices outline a way for both victims and offenders to be engaged in a legal process that includes support and accountability that strengthens the bonds of our communities.

Those principles include the understanding that crime is much more than law breaking—it creates harm for people and relationships which creates a need. A just response includes an obligation to address the needs and to “put right” the harm to the degree possible.

Addressing the needs involves those impacted, including the community. Values of respect, responsibility and a commitment to relationship provide the foundation for discerning what it means to create communities of care that address the needs created by crime.

Lorraine Stutzman Amstutz is the restorative justice coordinator for MCC U.S.

Three prisoners: A meditation on the story of the prodigal son

by Ken J. Nafziger

This worship service, based on the story of the prodigal son in Luke 15:11–32, explores ways in which we experience various kinds of imprisonments. You may want to include portions of poetry from *Yahweh's Other Shoe* by Kilian McDonnell, St. John's University Press, 2006.

Opening hymn

HWB 139: Far, far away
Sung by a soloist with guitar accompaniment; all join in on refrains.

Imprisoned by impatience and greed

A short meditation on impatience and greed as imprisonments, ending with a prayer of understanding and forgiveness.

Repeat “Far, far away” refrain several more times.

Silence.

Imprisoned by pride and arrogance

A short meditation on pride and arrogance as imprisonments, ending with a prayer of understanding and forgiveness.

Sing “When from the darkness” (STJ 102).

Silence.

Imprisoned by love

A short meditation on the desire to be imprisoned by love, giving thanks for God's love that holds us fast, ending with a prayer of thanksgiving.

Sing “There's a wideness in God's mercy” (HWB 145).

Silence.

Closing prayer

Suggestions for shaping the prayer:

STS 163: Lord, on the way to
goodness . . .

Nothing that is worth doing can be achieved in our lifetime; therefore, we must be saved by hope. Nothing which is true or beautiful or good makes complete sense in any immediate context of history; therefore, we must be saved by faith. Nothing we do, however virtuous, could be accomplished alone; therefore, we must be saved by love. No virtuous act is quite as virtuous from the standpoint of our friend or foe as it is from our own standpoint; therefore, we must be saved by the final form of love, which is forgiveness.

—Reinhold Niebuhr

Remind me that refusing to forgive myself only keeps me from experiencing [your] newness. Assure me of the truth that by casting “my sins into the depth of the sea,” you have freed me to discard them myself and live the next moment as if it were my first—for indeed it is.

I ask this for the sake of your love.

—“A prayer for forgiving oneself”
(ExploreFaith.org, Copyright © 1999–2007).

Closing hymn

STS 58: O God, how we have
wandered

Ken Nafziger is professor of music at Eastern Mennonite University.

IMPORTANT ADDRESSES

Senator _____
U.S. Senate
Washington, DC 20510
(202) 224-3121
senate.gov

Representative _____
U.S. House of Representatives
Washington, DC 20515
(202) 224-3121
house.gov

President Barack Obama
The White House
Washington, DC 20500
(202) 456-1111
president@whitehouse.gov

GET INVOLVED!

- Check out our website at washington.mcc.org.
- Read our blog at washingtonmemo.org.
- Sign up to receive **action alerts** and the monthly **E-Memo**.
- Follow us on **Twitter** at twitter.com/mccwashington. Like us on **Facebook** at facebook.com/MCCWashingtonOffice.

UPCOMING DATES

January 23, 2015
High school essay contest
Submission deadline
mcc.org/essay-contest

April 17–20, 2015
Ecumenical Advocacy Days
Breaking the chains: Mass incarceration and systems of exploitation
Washington, D.C.
advocacydays.org

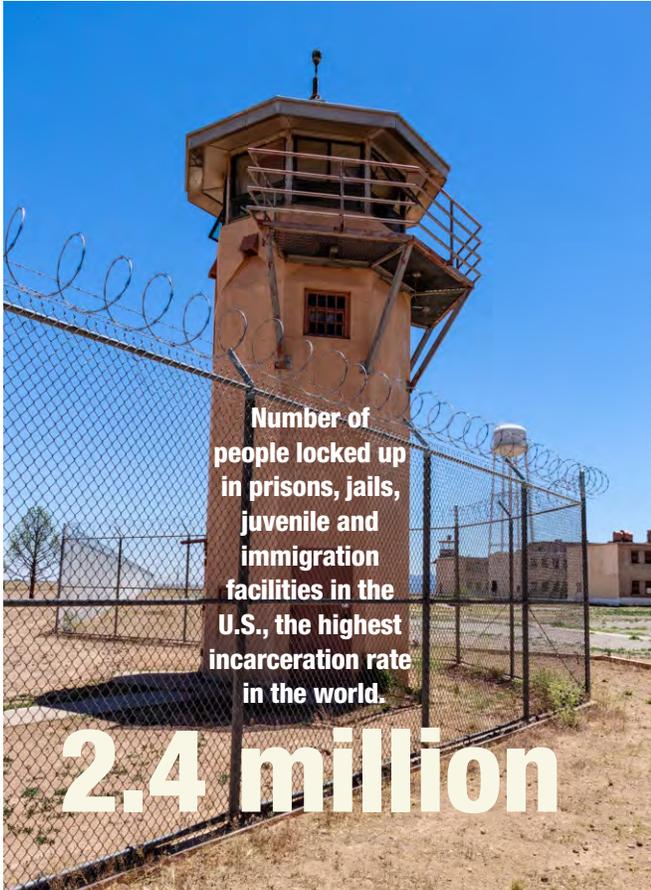
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Staff: Tammy Alexander, Patricia Kisare, Rachele Lyndaker Schlabach (Director and Managing Editor), Charissa Zehr.

All biblical quotes are from the New Revised Standard Version, unless otherwise noted.

Abbreviations	HWB	<i>Hymnal: A Worship Book</i>
	STJ	<i>Sing the Journey</i>
	STS	<i>Sing the Story</i>

Facts about the U.S. criminal justice system



Number of people locked up in prisons, jails, juvenile and immigration facilities in the U.S., the highest incarceration rate in the world.

2.4 million



1 in 2

Federal prisoners who are there because of drug charges



1.7 million

Number of children in the U.S. with a parent in prison.



\$68 billion

Amount spent annually on federal, state and local corrections in the U.S.

Lifetime chance of being incarcerated for African-American men



1 in 3

Lifetime chance of being incarcerated for white men



1 in 17

1 End racial disparity in the criminal justice system.

“Tough on crime” policies have disproportionately affected communities of color through disparate sentencing laws and discriminatory law enforcement practices. Congress must **establish equity in sentences for all drug crimes and ensure that law enforcement practices do not target communities of color.**

2 Support a restorative framework for the criminal justice system.

Overall the U.S. criminal justice system must shift from an overly punitive justice system to one that is more restorative. This framework should be applied to all judicial stages and beyond: introduce restorative justice as an alternative to the punitive “zero-tolerance policy” in schools, end the use of mandatory minimum sentences, and **implement alternatives to incarceration such as restorative justice programs and parole.**

3 End militarized policing.

As part of the “war on drugs” some policing tactics have become militarized. This alarming situation has been facilitated by the practice of transferring military equipment to local law enforcement agencies. Instead of militarized policing, law enforcement **should adopt community policing that partners with community members** on how to best promote public safety.

4 Ensure prison conditions are humane.

People in U.S. prisons, jails, and immigrant detention centers are particularly vulnerable to violence and abuse. Ways that Congress can address this include **eliminating the use of solitary confinement in these facilities, strengthening policies such as the Prison Rape Elimination Act, and ensuring prisoners and detainees’ needs are met** with adequate food, health care, and the opportunity to communicate with loved ones.

5 Reverse the trend of for-profit prisons.

The for-profit private prison industry creates incentives for mass incarceration through “occupancy requirements” in contracts that require prisons to be 80–100 percent full, regardless of crime levels. **Occupancy requirements should be banned.** Prison companies also maximize profit by minimizing costs, often resulting in dangerously low staffing and poor health care and living conditions for prisoners.

6 Support the integration of returning residents into society.

Congress must **eliminate barriers that prevent returning citizens from accessing housing, health care, education, employment, and voting rights,** and continue funding programs that support returning citizens through the Second Chance Reauthorization Act.

To learn more

Families Against Mandatory Minimums: famm.org
The Sentencing Project: sentencingproject.org
Prison Policy Initiative: prisonpolicy.org

The Little Book of Restorative Justice by Howard Zehr, Good Books, 2002
The New Jim Crow: Mass Incarceration in the Age of Colorblindness
by Michelle Alexander, New Press, 2012 (revised edition)