

The Church and Criminal Justice: Hearing the cries

A Social Statement on Criminal Justice Brief

Overview

*The statement and other supplemental materials can be downloaded at
www.elca.org/criminaljustice*

The Evangelical Lutheran Church in America (ELCA) affirms the fundamental principles of the U.S. criminal justice system such as due process of law and the presumption of legal innocence. Yet, this church hears people's cries that reflect the current system's serious deficiencies. Drawing from the biblical witness to God's wondrously rich forms of love and justice, we are compelled by a "holy yearning" to address the need for a change in public mindset and for dramatic reforms in policies and practices. This statement calls upon Christians to strengthen or take up ministries of compassion and justice. Drawing on evidence and data, it affirms some current efforts at improving the system while identifying numerous other reforms that urgently need implementation.

The statement makes the following basic points:

- The ELCA is prompted to speak and to act because so many cries of suffering and despair emerge from the criminal justice system — from victims, the incarcerated, their families, communities, those wrongly convicted, they who work in the system — and have not been heard.
- Drawing from Holy Scripture, this church holds up a vision of God's justice that is wondrously richer and deeper than human imitations and yet is a mirror in which justice in this world, God's world, must always be assessed.
- In assessing the current system, the ELCA gives thanks for its principles and orientation toward justice. This church recognizes many in the system who serve their professional vocations with competent and humane performance. Yet, this statement recognizes serious deficiencies. An underlying punitive mindset, budgetary constraints and persistent inequalities based on race and class frequently challenge its basic principles and impose significant costs on all involved in the system, and on society as a whole.
- Christians are called to confess that we, as individuals and in our common life together, often have fallen short in responding to criminal justice — both in response to crime's harm and to problems in the justice system.
- Guided by historic "marks" of the church, the ELCA is called to renewed ministry on behalf of those whom the system affects: victims of crime and their families, the incarcerated and their families, affected communities, those who work in the system, and many others.

- Through ministry with and bearing the burdens of those in the criminal justice system members of this church can respond wisely through four practices: hearing the cries, hospitality, accompaniment, and advocacy.
- The ELCA supports positive trends for reform such as greater emphasis on victims' rights and needs, use of restorative justice, community-based alternatives to incarceration, legislation that reduces sentences for certain offenses, the emergence of specialized courts, and the growing emphasis on reentry. These efforts should be funded and supported adequately.
- Because mass incarceration causes significant harms, both personal and social, the ELCA strongly urges those who make and administer correctional policies to take all appropriate measures to limit the use of incarceration as a sanction for criminal offenses. Toward that end this statement identifies three specific paths: pursue alternatives to incarceration, reform sentencing laws and policies, and closely scrutinize national drug policy.
- Four other imperatives also require vigorous action from policy makers: the criminal justice system must acknowledge the disparities, and address the implicit and explicit racism that persists within; it must recognize the special needs of juvenile offenders; it must stop the privatization of prison facilities; and finally, it must foster the full reintegration of ex-offenders into community.
- A fundamental transformation of mindset about criminal justice is required that challenges the logic equating more punitive measures with more just ones. Individuals must be held accountable, but every person in the criminal justice system deserves to be seen and treated as a member of human communities, created in the image of God and worthy of appropriate and compassionate response.
- To God we owe thanks for human reason and its abilities to discern — with compassion and wisdom — how human communities might reflect at least the justice of the law. "For what does the LORD require of you but to do justice, and to love kindness, and to walk humbly with your God?" (Micah 6:8).
- Ten Implementing Resolutions direct specific actions consistent with the principles and recommendations set forth in the statement. A glossary provides assistance with legal terms.