



The Voice of the Poor Western Region

OUT OF POVERTY...

FLASH Update

Restorative Justice

OUT OF POVERTY... of the last three months included articles on **Restorative Justice**, with examples of initiatives taken by various SVdP conferences. See: <http://www.wrvop.org/issues-discussion/category/restorative-justice>

This *FLASH Update*

- 1 - invites us to continue to advocate for the two Restorative Justice bills pending in Congress
- 2 - provides further information on the issues and solutions surrounding Restorative Justice.

The material below was offered by Diane Clarke, VOP Vincentian of the Sacramento Diocesan Council, who is an expert in this area.

Please let Diane and myself know if you have any questions or comments,

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Act to Support Sentencing Reform and Restore Ex-Offenders:

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Vincentian efforts for systemic change include a focus on Restorative Justice, and these efforts align closely with the U.S. Conference of Catholic Bishops' passionate affirmation that *"through the lens of solidarity, those who commit crimes and are hurt by crime are not issues or problems; they are sisters and brothers, members of one human family. Solidarity calls us to insist on responsibility and seek alternatives that do not simply punish, but rehabilitate, heal, and restore."*

The [Smarter Sentencing Act](#) would reform mandatory minimum sentences by expanding current judicial sentencing options for nonviolent drug offenses. It would also permit crack cocaine offenders to seek lighter sentences under the 2010 Fair Sentencing Act. The Fair Sentencing Act of 2010 (Public Law 111-220) was an Act of Congress signed into law by U.S. President Barack Obama on August 3, 2010. The law reduced the disparity between the amount of crack cocaine and powder cocaine and eliminated the five-year mandatory minimum sentence for simple possession of crack cocaine, among other provisions.

The [Second Chance Reauthorization Act](#) would authorize federal funding for state and local government and faith-based and community organizations to provide: employment assistance, substance abuse treatment, housing, family programming, mentoring, victim support, and other services to help individuals returning to the community from prison or jail. Both bills have strong bipartisan support.

If you did not have the chance yet to advocate for these bills, you can still do it now by taking action on the alert that our National President, Sheila Gilbert, issued on August 15. For this, please click on: <http://capwiz.com/svdpusa/issues/alert/?alertid=63299281&queueid=10500703566>

On September 18, Congress took a significant first step for the Second Chance Act as the Senate Judiciary Committee voted to reauthorize the bipartisan bill.

What Does Restorative Justice Have to Do with St. Vincent de Paul?

Three Questions for Catholics and Vincentians

What is the Good News? Who is it for?

Luke 4:16-21

16 He went to Nazareth, where he had been brought up, and on the Sabbath day he went into the synagogue, as was his custom. He stood up to read,

17 and the scroll of the prophet Isaiah was handed to him. Unrolling it, he found the place where it is written:

18 "The Spirit of the Lord is on me, because he has anointed me to proclaim good news to the poor. *He has sent me to proclaim freedom for the prisoners and recovery of sight for the blind, to set the oppressed free,*

19 to proclaim the year of the Lord's favor."

20 Then he rolled up the scroll, gave it back to the attendant and sat down. The eyes of everyone in the synagogue were fastened on him.

21 He began by saying to them, "Today this scripture is fulfilled in your hearing."

Why is the news good?

Psalm 103: 8-10

God is merciful and gracious,
slow to anger and abounding in steadfast love.

God will not always accuse,
and will not be angry forever.

God does not deal with us according to our sins,
nor repay us according to our iniquities.

Brief Introduction to Restorative Justice Two Views of Justice

Retributive Justice:

Crime is a violation of the law and the state.

Violations create guilt.

Justice requires the state to determine blame (guilt) and impose pain (punishment).

Central focus: offenders getting what they deserve.

Restorative Justice:

Crime is a violation of people and relationships.

Violations create obligations.

Justice involves victims, offenders, and community members in an effort to put things right.

Central focus: victim needs and offender responsibility for repairing harm.

Three Questions about Justice

Three Questions about Justice	
Retributive Justice: What laws have been broken? Who did it? What do they deserve?	Restorative Justice: Who has been hurt? What are their needs? Whose obligations are these?

From Howard Zehr, The Little Book of Restorative Justice (Good Books, 2002)

Tim's Story

Tim called St. Vincent de Paul for help making his rent last September. He and his wife, Judy, were struggling after Tim's temporary summer job ended in August. Judy had just started a new job at McDonalds, but her first paycheck would not arrive before the rent payment was due. Prior to getting the temporary summer job, Tim had applied for dozens of permanent jobs, but no one would hire him. Tim had a felony conviction on his record for assault and resisting arrest after a violent encounter in a bar. Since that conviction, almost 3 years ago, problems had piled up. While the judge had not given him a prison sentence, Tim did get the 3 years of probation, a hefty \$5,000 fine, 40 hours of community service, and a requirement to attend AA meetings twice a week and take a 16-week anger management class. All of this made it quite difficult for Tim as he continued attending community college in hopes of improving his overall prospects. He and Judy were scraping by, using his student loans for living expenses. But the hole got deeper when Tim had to sell his car to make June's rent. Without a car, he started missing his required AA meetings, which meant he was violating the terms of his probation, which in turn meant more court visits and fees. At 24, Tim was not feeling very hopeful about his and Judy's future. He would finish his 3-year probation in October, but he still owed more than \$5,000 (including the added court fees). Yet, he had not been able to get a permanent job because of the felony conviction. St. Vincent de Paul volunteers heard about all of this when they visited Tim and Judy in their apartment. How would they respond?

Food for Thought:

- In Tim's story, who has been hurt?
 - What are their needs?
 - Whose obligations are these?
- What are Tim's obligations after his conviction and sentence?
 - What are his community's obligations?
 - What are St. Vincent de Paul's obligations?
- How do we as Vincentians work on systemic change for Tim and for thousands of others with felony convictions who are on probation or returning from prison?

Recommendations for Councils and Conferences
(from VOP's *Position Statement on Restorative Justice: Recommendations by the Voice of the Poor Committee Council of the United*

States <https://www.svdpusa.org/members/Programs-Tools/Programs/Voice-of-the-Poor/Position-Papers>)

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 victims 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 lifetime 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, PowerPoint 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.

Vincentian Reentry Organizing Project

from the Vincentian Reentry Organizing Project Web site:

<http://vincentianrestoration.nationbuilder.com>

Why we are organizing

Our country’s mass incarceration system is one of the largest drivers of poverty, accounting for about 20% of poverty.[1] This is a system that costs states billions to operate, ravishes communities through over policing, leaves victims of crime wanting, and criminalizes people in ways that bar formerly incarcerated from employment, housing, and citizenship. The crisis of mass incarceration system was named in the USCCB’s document, “Responsibility, Rehabilitation, and Restoration: A Catholic Perspective on Crime and Criminal Justice.” This Bishops’ statement notes: “The challenge of curbing crime and reshaping the criminal justice system is not just a matter of public policy, but is also a test of Catholic commitment.”

The Pew Charitable Trusts[2] estimates that some 2.2 million people in the United States — 1 in 100 Americans are in jail or prison. **That translates to 1 in 28 children with an incarcerated parent.** In African-American communities, this number is far more devastating, with 1 in 4 children having a parent incarcerated.

Currently, it is estimated that 65 million Americans have a criminal record, with 19.8 million of them (about 8.6 percent of the total adult population) having felony convictions. In addition, those who return to their communities often face significant difficulties in finding employment and housing. Clearly, the level of incarceration in the nation is creating a crisis, devastating families and exacerbating poverty, and challenging our ability to create an environment that fosters healthy, restorative and prosperous families and communities.

The same study by Pew also found that:

- “Before being incarcerated, two-thirds of male inmates were employed and more than half were the primary source of financial support for their children.”
- “After release, former male inmates work nine fewer weeks annually and take home 40 percent less in annual earnings, making \$23,500 instead of \$39,100. That amounts to an expected earnings loss of nearly \$179,000 through age 48 for men who have been incarcerated.”

- “Of former inmates who were in the bottom of the earnings distribution in 1986, two-thirds remained there in 2006, twice the number of non-incarcerated men.”

In short, incarceration contributes to poverty and takes a significant toll on families. The racial disparities and the collateral damage of incarceration disproportionately affect families in communities of color. Currently, 60 percent of all people in jail or prison are people of color, while the country is 13.1 percent black, 16.7 percent Hispanic, 5 percent Asian, and 3.7 percent of mixed or other ethnic minorities. The Sentencing Project estimates that on any given day, 1 in 10 black men in their 30s are in jail or prison. To put black incarceration in a historical perspective, Ohio State University professor Michelle Alexander notes, ***“There are more African-Americans under correctional control today – in prison or jail, on probation or parole – than were enslaved in 1850, a decade before the Civil War began.”***

Beyond the economic impacts of incarceration, there are many other collateral consequences to incarceration:

- - **19 states have severe limits on voting for those who were incarcerated, allowing voting only after completing parole, probation and time served;**
- **12 states have laws that effectively ban the vast majority of people with felony convictions from ever voting again, regardless of completion of sentencing requirements;**
- **7 states ban public benefits (Temporary Assistance to Needy Families & Supplemental Nutrition Assistance Program [Food Stamps]) to formerly incarcerated individuals; and**
- **The American Bar Association has identified 38,000 federal and state barriers to employment for people with felony and misdemeanor records.**

This partnership brings together some of the most active parts of the Catholic Church to align around a common purpose of **reducing poverty through addressing the systemic barriers returning citizens face when re-entering into a community.** St. Vincent de Paul has extensive volunteer networks, whose Vincentian volunteers are grounded in faith and experience. CCHD partners have success in working with faith communities and low-income people to address community issues. These partners include the Social Action office of the diocese and community organizing partners.

The goal of the partnership is to develop the leadership skills of returning citizens and Vincentians to work together to address barriers to re-entry. These partners include local community organizing partners with a history of

advocacy on criminal justice reform, the local (Arch)diocese, and the local Society of St. Vincent de Paul. In each city, a great deal of the focus is on building the trust and relationships necessary for successful partnering. Each partner is committed to the success of the goal, but the first challenge is strengthening the relationships so that the partners can innovate and explore new ideas and opportunities.

[1] DeFina, Robert H. and Hannon, Lance, *The Impact of Mass Incarceration on Poverty* (February 23, 2009). *Crime and Delinquency*, February 12, 2009. Available at SSRN: <http://ssrn.com/abstract=1348049>

[2] http://www.pewtrusts.org/news_room_detail.aspx?id=60964

YOLO CONFLICT RESOLUTION CENTER (YCRC)

A nonprofit serving all of Yolo County

Our Services

❖ **Community Mediation**

Safe, facilitated face-to-face conferences for conflicts between individuals (e.g., tenant-landlord, neighbor-neighbor, family, workplace, youth, etc.)

❖ **Restorative Practices**

Safe, facilitated face-to-face conferences for conflicts in which wrongdoing has created harms. Often encompasses larger affected circles.

❖ **Training and Education**

For Yolo County community members and YCRC volunteers (includes training in conflict resolution skills).

❖ **Facilitation**

Trained facilitators help groups reach understanding of common objectives and achieve consensus on disagreements.

3 Ways to Access Services!

1. **Phone:** (530) 302-5969
2. **Email:** Programs@YoloCRC.org
3. **Web:** www.YoloCRC.org (click on "Referrals")

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