

TOWARDS COMPREHENSIVE PASTORAL CARE  
OF THE CRIMINAL JUSTICE SYSTEM.

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## Introduction.

I want to share with you my insight into 21 years of visits to persons deprived of liberty, whether in jails, prisons, and detention centers.

We are living a time of mass incarceration, detentions, and deportations of immigrants.

Economic and social inequalities are accompanied by similar imbalances that impede human development, explicitly in education and health. Poverty and poor living conditions develop negative signs of human development that, in turn, contribute to greater scarcity and grave disparities throughout the world. As a result of social inequalities, more than 10.35 million people suffer imprisonment, shows a new report published by the Criminal Policy Research Institute.<sup>2</sup>

The current global industrial complex of criminal justice is a challenging, confusing, problematic, messy, and oppressive system. Behind arrests, charges, defendant benches, barbed wires, and cell blocks, we can trace a stuck and obsolete system: the criminal justice system.

This justice system is ultimately a system of punishment and social control that deprives millions of people of liberty.

Michel Foucault, in his book "Discipline and Punish: The Birth of the Prison," wrote that the emergence of the prisons marks the institutionalization of power of punishing.<sup>3</sup>

An example, the territory of the Archdiocese of Miami covers three counties: Miami Dade, Broward, and Monroe, with a population of 4.7 million people.<sup>4</sup>

Among these three counties there are:

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<sup>2</sup> <https://www.prisonstudies.org/news/more-1035-million-people-are-prison-around-world-new-report-shows>.

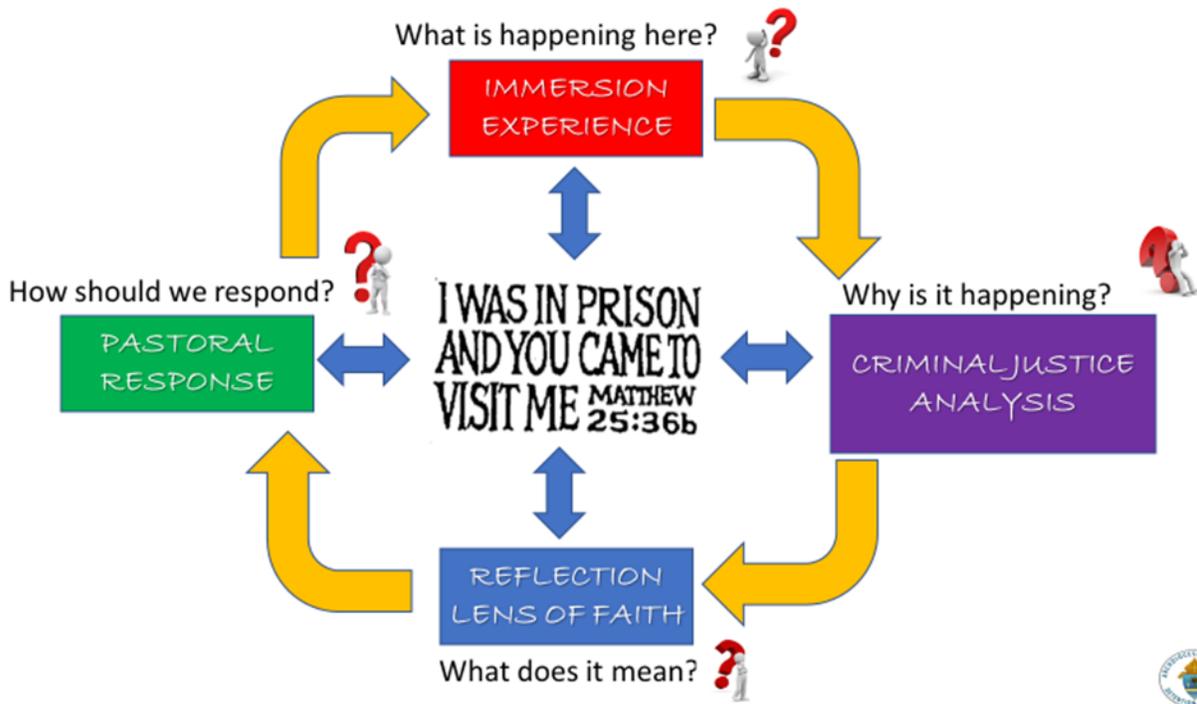
<sup>3</sup> Michel Foucault, *Discipline and Punish: The Birth of the Prison* (Vintage Books, 1995), 130.

<sup>4</sup> [https://www.florida-demographics.com/counties\\_by\\_population](https://www.florida-demographics.com/counties_by_population)

Three federal prisons, ten state prisons, eleven county jails, three juvenile detention centers, two immigrant detention centers, one mental assessment center for those who have committed crimes, and one temporarily closed center for unaccompanied immigrant children. Therefore, there is a daily population of twenty thousand people deprived of liberty. Only in three counties in South Florida in the United States.<sup>5</sup>

The criminal justice system is, by its very nature, complicated, tangled, stressful, and challenging. If we want to achieve comprehensive pastoral care of criminal justice, we must thoroughly know each of its components and reflect on them before deciding how to address it. In this presentation, there are four questions that, when trying to answer them, will make us aware of the need for comprehensive pastoral care of criminal justice (see graph 1).

Graph 1.



<sup>5</sup> “Prison Ministry - Detention Ministry,” Detention Ministry of the Archdiocese of Miami, accessed October 26, 2019, <http://www.detentionministry.org/>.

Joe Holland and Peter Henriot, in their book: *Social analysis: linking faith and justice*; They identified the Pastoral Circle built on the methodology of see, judge, and act. We observe four moments: experience, analysis, theological reflection, and pastoral planning. The Pastoral Circle can be a methodology to help understand the criminal justice system and plan our pastoral response to it.<sup>6</sup>

As we advance through each moment, we need to remain mindful of the limitation of our own perspectives and biases, and we rarely overcome challenges with a single response.

Using the Pastoral Circle method, we are describing the suffering of the people we work with (Experience). We are analyzing the systemic process of the criminal justice system (Analysis). We are reflecting upon our faith tradition to find the right way. (Reflection). Finally, we are developing an action plan (Action).

The first question is: What is happening here?

Our pastoral work puts us in direct contact with the incarcerated, the victims, and the relatives that allow us to describe various situations of suffering produced by an increasingly dehumanized system.

Second, why is this happening?

A constant analysis of the criminal justice system should be done to understand the causes of crime. There are political, economic, and institutional factors that produce mass incarceration for a series of policies that increase crime rates.

Third, what does this mean through the lenses of the Gospel and the social teaching of the Church?

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<sup>6</sup> Joe Holland and Peter J. Henriot, *Social Analysis: Linking Faith and Justice* (Blackburn, Victoria, Australia: Dove Communications, 1995).

The dignity and equality are inherent to each person. Criminal justice should respect human dignity, rights, and human development. The concern of human and social development is the realization of all fundamental freedoms.

The last question, how should we respond?

We move within the criminal justice system as containment, understanding, compassion, and reconciliation presence. Through our chaplaincies and specialized ministries, we are accompanying those who are affected or involved in the criminal justice system.

Through pastoral work, we act to create spaces for accompaniment with pastoral agents who work as a team. Not taking concrete actions after the experience, analysis, and reflection is to make our pastoral meaningless.

The Pastoral Circle represents a continuous and spiral action. When the Circle round is completed, it starts again.

These four questions help to respond more effectively to the experience through analytical research and deep reflection. As we move forward at this time, we get involved with the situation and find practical ways to respond to it.

### **Global Prison Culture.**

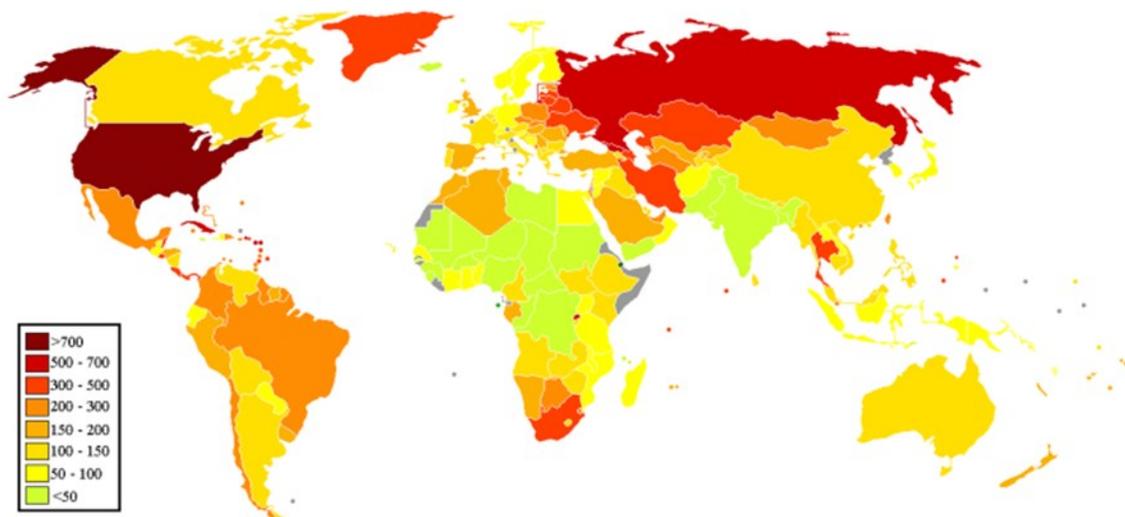
We wonder what is happening with incarceration worldwide. This is the first time we collect data, stories, and describe what happens in the criminal justice system. We seek to know what is happening with people arrested, prosecuted, and imprisoned. And what about the victims?

Moreover, what is going on with the victims? What stories are we listening to?

We must also pay attention to our prejudices and cultural influences that can color our perceptions to describe what we observe.

As I mentioned at the beginning, more than 10.35 million people are being held in criminal institutions around the world, according to the latest edition of the World Prison Population List (see graph 2).

Graph 2.



However, the total is well more than 11 million if numbers estimated to be held in detention centers in China, and prison camps in North Korea are included.

There are more than 2.3 million prisoners in the United States of America. China holds almost 1.7 million prisoners (plus an unknown number in pre-trial detention and other forms of detention). Brazil has almost 700,000 prisoners, the Russian Federation nearly 600,000, and there are around 400,000 prisoners in both India and Thailand. Indonesia, Turkey, and Iran each have around a quarter of a million prisoners.

The countries with the highest prison population rate – the number of prisoners per 100,000 of the general population – are the United States (655 per 100,000), followed by El Salvador (604), Turkmenistan (552), Thailand (526) and Cuba (510).

In much of the world, prisoner numbers are rising steeply. Since 2000, the total prison population of South America has almost tripled in size (an increase of 175%), while south-eastern Asia's total prison population has more than doubled (an increase of 122%), and Oceania's has almost doubled (an increase of 86%).<sup>7</sup>

It is very worrying that there are now more than 11 million people held in correctional institutions worldwide. What is of great concern is that prison populations continue to increase considerably in some parts of the world. The criminal justice system seems to be a political institution of social control, complex, multifaceted, and influential across the globe. These data challenge us to review and implement new police, judicial, correctional, and pastoral practices. Will we be able to transform the prison culture from dehumanizing punishment and confinement practices to a liberating culture with reconciling and redeeming practices?

### **Mapping the Criminal Justice System.**

The second moment is the analysis. This is the moment when we try to map the most profound reality of the criminal justice system by asking questions about power structures, centers of influence, principles, and interconnections between the components of the criminal system.

The criminal justice system is an agonizing process of human degradation. We need to understand the criminal justice system as a complex structure that has the power not only to deprive liberty but also to degrade the dignity of the person.

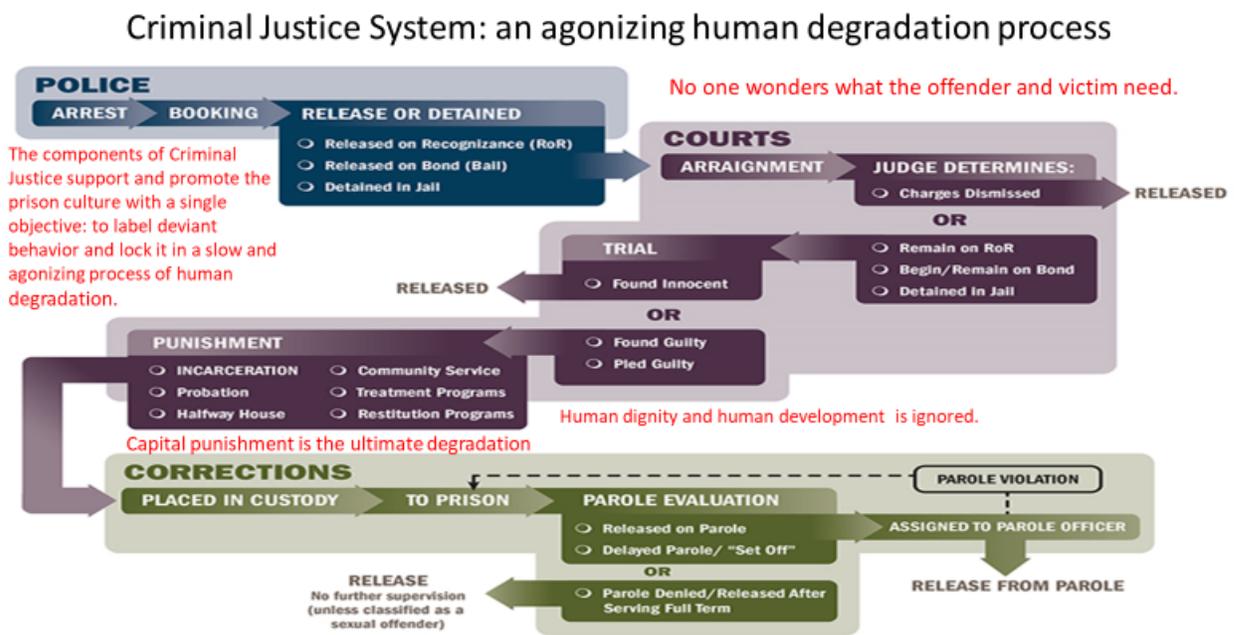
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<sup>7</sup> <http://www.bbk.ac.uk/news/global-prison-population-soaring>

Barbara Wooton, a British sociologist, and criminologist stated: “In the present state of our society moral actions must be performed without moral principles to guide them in the impossible task of attempting to do justice in an ethical vacuum; they are attempting to act morally without generally recognized moral principles to guide them. The task is impossible because nobody knows what justice is.”<sup>8</sup>

The criminal justice system comprises three components (see graph 4).

Graph 4.



The presence of the Church with specialized chaplaincies and ministries in the criminal justice system.



First component: Law enforcement—police, sheriffs, marshals.

Second component: Adjudication—courts which include judges, prosecutors, defense lawyers.

And third component: Corrections—correctional officers, probation officers, parole officers.<sup>9</sup>

<sup>8</sup> Duncan B. Forrester, Forrester on Christian Ethics and Practical Theology: Collected Writings on Christianity, India, and the Social Order (Farnham: Ashgate, 2010), 247.

<sup>9</sup> US Legal, Inc, "Criminal Justice System Law and Legal Definition," Fraud Law and Legal Definition | US Legal, Inc., accessed February 21, 2019, <https://definitions.uslegal.com/c/criminal-justice-system/>.

The staff of the three components of criminal justice plays a vital role in the application of justice in our countries. However, because of its complexity, the public perceives that the criminal justice system is one million miles from true justice.

The criminal justice system cannot resolve injustices and social disparities; on the contrary, it increases them by not having prevention plans to reduce crime, rehabilitation, and reintegration. Criminal justice seems alienated and dehumanized without understanding the roots of social problems.

Social problems are hidden by grouping them into criminal categories, affecting minorities that society discriminates against, rejected, and discards such as the disabled, homeless, unemployed, substance addicts, mentally ill, illiterate, etc.

The components of Criminal Justice promote the carceral culture with only one objective: to label deviant behavior and lock the person in a slow and agonizing process for human degradation. The cruelest thing is that these people were already degraded and marginalized by society long before they were arrested.

Human dignity and development are ignored, and, therefore, the criminal system executes by law, maximum human degradation, capital punishment. No one in this whole process wonders what that person needs to restore their dignity.

The police officers, the offenders, the victims, the witnesses, the jurors, the lawyers, the judges, the wardens, and the correctional officers, the inmates, and their families themselves are under enormous stress. No one is immune to these dehumanizing environments.

Chaplaincies are working separately. We have chaplaincies for the police and prisons with no connection between them, and we do not even have chaplaincies in the courts. Therefore, it is

time to walk together towards a comprehensive plan for the pastoral care of the police, the courts, and the correctional institutions that make up the criminal justice system.

### **Faith and Justice.**

The third moment is the moment of reflection. This is the moment of reflection on the analysis. The reform of the criminal justice system will be possible if we carefully analyze the regulations and practices of the police, courts, and correctional in the light of the Gospel and the social teaching of the Church.

We read in numeral 72 of the Instruction ‘Libertatis Conscientia’ on Christian Freedom and Liberation the following:

“The Church's social teaching is born of the encounter of the Gospel message and of its demands summarized in the supreme commandment of love of God and neighbor in justice with the problems emanating from the life of society. This social teaching has established itself as a doctrine by using the resources of human wisdom and the sciences. It concerns the ethical aspect of this life. It takes into account the technical aspects of problems but always in order to judge them from the moral point of view.”<sup>10</sup>

The social teaching of the Church highlights the value of human dignity. It constitutes its primary objective. It is about promoting people towards their integral human development. Therefore, we can respond effectively to the challenges and issues that arise from the criminal justice system, using the seven themes of the Church's social teaching<sup>11</sup>.

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<sup>10</sup> Instruction on Christian Freedom and Liberation, accessed October 28, 2019, [http://www.vatican.va/roman\\_curia/congregations/cfaith/documents/rc\\_con\\_cfaith\\_doc\\_19860322\\_freedom-liberation\\_en.html](http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19860322_freedom-liberation_en.html).

<sup>11</sup> Seven themes of Catholic Social Teaching, accessed October 26, 2019, <http://www.usccb.org/beliefs-and-teachings/what-we-believe/catholic-social-teaching/seven-themes-of-catholic-social-teaching.cfm>.

From each themes, pastoral issues arise, which we must face within the criminal justice system; these are some points to reflect (see graph 4).

Graph 4

**Catholic Social Teaching Applied to Criminal Justice System**

- 1. Life and Dignity of the Human Person.**  
Capital punishment, life imprisonment, and long sentences degrade human dignity. The effects of incarceration are dehumanizing.
- 2. Call to Family, Community, and Participation.**  
The impact of incarceration on families increase family crises, loss, demoralization, and victimization of children.
- 3. Rights and Responsibilities.**  
Human dignity must be protected in the stages of the criminal process. It can only be achieved if the human rights of those deprived of freedom are protected.
- 4. Option for the Poor and Vulnerable.**  
We find vulnerable, marginalized, excluded, and poor people who are affected by the criminal justice system: mentally ill, drug and alcohol addicts, homeless, illiterate, and poor.
- 5. The Dignity of Work and the Rights of Workers.**  
The criminal justice system is part of modern slavery: the labor force of those deprived of freedom. Extremely poorly paid by correctional industries.
- 6. Solidarity.**  
The criminal justice system must support and allow pastoral, socio-educational, and legal integration programs with the community that are positive for those deprived of freedom.
- 7. Care for God's Creation.**  
Persons affected by the criminal justice system are forced to move to a traumatizing ecosystem, where privacy no longer exists, and they are separated from their families.

**LIGHT OF THE WORLD**

**Catholic Social Teaching 101**

1. Life and Dignity of the Human Person: Capital punishment, life imprisonment, and long sentences degrade human dignity. The effects of incarceration are dehumanizing.
2. Call to Family, Community, and Participation: The impact of incarceration on families increases family crises, loss, demoralization, and victimization of children.
3. Rights and Responsibilities: Human dignity must be protected in the stages of the criminal process. It can only be achieved if the human rights of those deprived of freedom are protected.
4. Option for the Poor and Vulnerable. We find vulnerable, marginalized, excluded, and poor people who are affected by the criminal justice system: mentally ill, drug and alcohol addicts, homeless, illiterate, and poor.

5. The Dignity of Work and the Rights of Workers: The labor force of those deprived of liberty is part of the modern slavery that the criminal justice system allows. Prisoners are exploited and underpaid by correctional industries.
6. Solidarity. The criminal justice system must support and allow pastoral, socio-educational, and legal integration programs with the community that are positive for those deprived of freedom.
7. Care for God's Creation: Persons affected by the criminal justice system are forced to move to a traumatizing ecosystem, where privacy no longer exists, and they are separated from their families.

These seven themes of Catholic social teaching are essential keys to continue advocating the reform of the Criminal Justice System.

#### **Toward a Comprehensive Criminal Justice Pastoral Care.**

The final moment is the stage at which we plan and commit to concrete actions take the necessary steps to address the need for integral pastoral care in the criminal justice system. If we look at the following table (graph 5), we will see three columns and five rows that are interwoven and interconnected. Three dimensions: spiritual/pastoral, social/educational, and political/legal that should promote preventive, correctional, reentry, restorative justice, and community justice initiatives.

Graph 5.

<p>The major components of the Criminal Justice System</p> <p>The Criminal Justice System</p> <p>Police Courts Corrections</p>	<p><b>PREVENTION INITIATIVES</b></p>	<p><b>IN-PRISON INITIATIVES</b></p>	<p><b>REENTRY INITIATIVES</b></p>	<p><b>RESTORATIVE JUSTICE INITIATIVES</b></p>	<p><b>COMMUNITY JUSTICE INITIATIVES</b></p>	<p><b>A Comprehensive Criminal Justice Pastoral Care</b></p>
<p><b>PASTORAL/ SPIRITUAL DIMENSION</b></p>	<p>EVANGELIZATION IN THE MODERN WORLD</p>	<p>Mentoring Matters</p>	<p>Mentoring Matters</p>	<p>a Spirituality of Survival</p>	<p>TOGETHER WE HEAL</p>	<p>1. Task force of chaplains, wardens, police chiefs, jurists, theologians, educators, advocates, social workers, psychologists, and sociologists in the scope of Criminal Justice System.</p>
<p><b>SOCIAL/ EDUCATIVE DIMENSION</b></p>			<p><b>REENTRY PROGRAMS FOR EX-OFFENDERS</b></p> <p>Find helpful reentry programs for felons</p>	<p>RESTORATIVE JUSTICE</p>	<p>COMMUNITY JUSTICE &amp; MEDIATION CENTER</p>	<p>2. A comprehensive pastoral care plan for the criminal justice included in the pastoral plans of dioceses and episcopal conferences.</p>
<p><b>POLITICAL/ LEGAL DIMENSION</b></p>	<p>Prison Reform</p>	<p>NO MORE DEATH PENALTY</p>	<p>PUBLIC ADVOCATES IN COMMUNITY RE-ENTRY</p>	<p>COMMUNITY JUSTICE PROJECT</p>	<p>COMMUNITY JUSTICE PROJECT</p>	

The original table was distributed by the International Commission of Catholic Prison Pastoral Care (ICPPC) of Europe at the ICPPC world congress in 2007 with only three columns and three rows. I dared to expand it with two more rows.

This table gives us a vision of what we should focus on to develop pastoral plans that humanize the criminal justice process. Therefore, I will briefly describe restorative justice and community justice. The theories that underlie restorative justice suggest that the government should give up its monopoly on responses to crime to those most directly affected: the victim, the offender, and the community. Community justice redefines the roles and objectives of criminal justice agencies (police, courts, and correctional) to include a broader mission: to prevent crime, address local social problems and conflicts, and involve neighborhood residents in planning and decision making.

Both restorative and community justice are based on the premise that local communities will be strengthened if neighbors participate in response to crime. <sup>12</sup>Both justices glimpse responses adapted to the preferences and needs of victims, communities, and offenders.

The original objective of restorative justice was to restore harmony between victims and criminals. For victims, this meant restitution for substantial losses and emotional losses. For offenders, it meant taking responsibility, facing shame, and regaining dignity.

This notion has evolved, with the recent and significant conceptual development of incorporating a role for the community. Many people still associate restorative justice primarily with victim-offender mediation or, more broadly (but by mistake), with any victim-oriented service. The most recent conceptualization that crimes occur within a three-dimensional relationship, the offender, the victim, and the community, can significantly change criminal justice.

The most frequently cited views for community justice are problem-solving and empowering local communities to improve their situation. Problem-solving is generally understood: first, as an effort to build partnerships between criminal justice, other government agencies, and religious communities, and second, as an attempt to address some of the complex social problems that underlie crime. It remains to be seen how deeply restorative justice and community justice will penetrate the traditional justice system. Until now, restorative justice approaches are used much more for minors than for adults, and for minor crimes rather than serious crimes.

Experience with community justice has consistently demonstrated that generating citizen participation (neighbors, politicians, mental health professionals, educators, clergy, people in business, etc.) and building relationships with the community is a challenge. Both movements

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<sup>12</sup> <http://restorativejustice.org/rj-library/incorporating-restorative-and-community-justice-into-american-sentencing-and-corrections/1292/>.

are increasing to cover adult offenders, the most severe crimes, and disadvantaged urban communities where, possibly, the need is more significant.

Here, in this international meeting, some voices and agendas must be heard and establish an agency to organize the enormous task of pastoral care for the criminal justice system and assistance of the Church. (Episcopal conferences, dioceses, and parishes) in a joint pastoral to change the carceral culture in our world.

It is time to think of a practical theology about the criminal justice system. Produce new initiatives of pastoral care that humanize the three elements of the penal system: police, court, and It is time to think of a practical theology about the criminal justice system. Produce new initiatives of pastoral care that humanize the three elements of the penal system: police, court, and correctional.

Taskforce teams with chaplains, guardians, police chiefs, jurists, theologians, educators, defenders, social workers, psychologists, and sociologists in the area of the Criminal Justice System are needed.

A comprehensive pastoral care plan is needed for criminal justice included in the pastoral plans of parishes, dioceses, and episcopal conferences.

It is time to focus on the comprehensive pastoral care of criminal justice, which is a system of punishment, revenge, social control, dehumanization, and social exclusion. It is time to move criminal justice towards the culture of redemption, containment, understanding, compassion, and forgiveness.

Can we begin to walk together, marked with the sign of organicity from parishes, dioceses, episcopal conferences, continental, and international organizations to a joint pastoral planned and coordinated for the criminal justice system?