



Evangelical Lutheran Church in America

God's work. Our hands.

Draft Social Statement on Criminal Justice

Evangelical Lutheran Church in America

Summary

*The ELCA Task Force on Criminal Justice has written this draft as one of the steps toward the development of a social statement that may be considered by the 2013 ELCA Churchwide Assembly. **Draft social statements have no official standing as statements of the ELCA.** They are a means to invite participation by all in the process toward the creation of a statement.*

ELCA social statements are theological and teaching documents. They assist the ELCA and its members to reach informed judgments on social issues from a perspective of faith. They are intended to cultivate individual and community deliberation as well as to guide moral formation. They govern this church's institutional policy in terms of its social witness and guide its work as a public church. Social statements are developed through an extensive process of deliberation involving the whole church and are adopted by a two-thirds majority of an ELCA Churchwide Assembly.

In a nutshell the statement says:

The ELCA affirms the fundamental principles of the U.S. criminal justice system but also hears the cries that reflect the system's serious deficiencies. Drawing from the biblical witness to God's wondrously rich forms of love and justice, the ELCA is compelled by a "holy yearning" to address the need for change and improvement. The ELCA through its members and various expressions are called to strengthen or take up responsive ministries. In addition, drawing on evidence and data, the ELCA is compelled to speak publically to commend positive efforts and to identify areas in the criminal justice system that require reform.

The following summarize key ideas from each section:

I Prologue

- It is deeply alarming that the United States of America ranks among the top two or three countries in the world in percentage of individuals under the control of the criminal justice system. (1 out of 31 of all adults, and, for people of color, as high as 1 out of 11.)
- Christians are called to confess that the church, as individuals and through its various organizations, has fallen short in responding to crime — both in terms of its harms and the problems in the justice system. We ask God's aid in opening our hearts to the cries of our neighbors, and pray for guidance to speak and work more prophetically and actively toward earthly justice.

II Justice

- God seeks wholeness for humankind — biblical *shalom* — but God's strategy of governing human life is expressed in Scripture and experienced as a twofold work. On the one hand, human beings experience God's deep care through receiving grace-filled righteousness,

shared in the gospel about Jesus Christ, received in faith and partially seen in the lived reality of the church as a gospel community. At the same time, human beings experience God's deep care through the gifts of law and civil forms of justice. This care is expressed through institutions and systems that, when properly operating, provide for protection, order and the flourishing of society.

- The ELCA affirms the fundamental principles of the U.S. criminal justice system, such as due process of law and the presumption of legal innocence. We honor those in the system who through their service help it to operate with fairness and a measure of human care.
- In assessing the current system, this church also recognizes serious deficiencies. 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.
- This church gives thanks for and yet also recognizes serious flaws in the exercise of law enforcement, the judicial system, and the correctional system. It commends work being done in responding to systemic racial disparities, the rights of victims and other problems, though it continues to believe that a great deal more must be done.

III Yearning for ever-fuller justice

- Sin and crime are different but related categories. Although both often characterize acts that cause great injury to others and even the self, sin represents an offense against God, while crime represents an offense against the state. Nonetheless, Christians yearn for the day when both will be fully overcome in God's great love.
- In the meantime, drawing from the biblical witness to God's wondrously rich forms of justice the ELCA is compelled by a "holy yearning." That yearning leads toward recommitting itself to wise responses of love as a denomination and speaking publically about paths to greater justice.

IV Wise responses of love

- This section in the Draft primarily addresses people of faith and specifically members of the ELCA, and asks them to respond in ministry creatively and wisely in ways that promote human flourishing.
- God's "yes" to us just as we are is without condition. The Bible imagines at least three ways of responding in faith with a grateful "yes" to the world's needs by: seeking wisdom, welcoming the stranger, and bearing the burdens of others.
- The ministry and compassion of members of this church to those in the criminal justice system should be expressed concretely by four practices: hearing the cries of those affected; accompaniment, hospitality, and advocacy.

V Paths to greater justice

- This section in the Draft addresses all people, seeking to join with other people of good will to affirm positive trends and recommend means of reform in the criminal justice system, as guided by evidence and data.
- Positive trends to affirm include efforts at sentencing reform, reentry programming, restorative justice and victim's rights.
- The most pressing need for reform concerns the very high levels of incarceration in the U.S. Incarceration should be reserved for serious and violent offenders who pose a danger to

society. The system should make greater use of alternative forms of sentencing that have been demonstrated to be successful.

- Research shows that race frequently influences decision-making at numerous points in the criminal justice system in ways that disadvantage people of color and cumulatively contribute to racial disparity in incarceration. Significant actions must be taken to address this continuing problem.
- Any comprehensive assessment of the criminal justice system must attend to national drug policy because that policy has a marked effect on all aspects of the system. The ELCA calls for careful attention to the full costs and consequences of the current policy, and openness to changes where they would enhance the welfare of the community.
- On theological grounds regarding the proper role of government, as well as for humanitarian reasons and questions about true cost effectiveness, the ELCA opposes current trends that would increase privatization of the criminal justice system.
- Other areas for reform include practices regarding juvenile offenders, collateral sanctions, rehabilitation, and encouragement for alternative strategies to enhance public safety and lower crime rates.

VI Conclusion: a new paradigm

- It must be remembered that those involved in the criminal justice system are human beings, created in the image of God and worthy of compassionate response and better alternatives. A transformation of perspective is needed in this society that will challenge a logic that equates more punitive responses to crime with more just ones.
- In God the ELCA places our hope for the fullness of justice promised only by the gospel. And to God we owe our thanks for human reason and its abilities to discern — with prudence and creativity — how our communities might reflect in this time the justice of the law. The ELCA therefore recommits itself to ministry with, for, to and among the many, many people whose voices cry out for justice in our criminal justice system. “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).