Changing the Script: A Starting Point

In the last issue of JustSouth Quarterly, my article, “Stop Casting Stones: The Failure of Punitive Crime Policy,” focused on what does not work in criminal policing. A key point to remember about the failure of punitive crime policy is that getting “tough on crime,” through more arrests, more incarceration, harsher sentences, and imposition of the death penalty contribute to a “vicious cycle” of violence itself.

Contrary to what many believe, most offenders, even the most serious, obey the law most of the time, and even most people in communities with the highest levels of crime obey the law most of the time—and desire to do so. In Los Angeles, for example, there are approximately 400 organized gangs with about 65,000 gang members in the city. A 2009 estimate shows that there were 141 gang homicides. That means that 64,859 gang members (assuming one gang member per homicide), and at least 259 gangs, did not kill anyone that year.

So when the press or the public assumes that “guns have become the preferred method of dispute resolution,” it does not comport with the facts. As David M. Kennedy of the National Network for Safe Communities explains, “Far more often than not, good sense prevails.”

Note that this does not mean that gun control is unnecessary. Gun control is necessary to reinforce commonly held norms of respect, civility, and nonviolent dispute resolution.

Too often, the cycle of violence is reinforced by the “scripts” or stories that communities and law enforcement tell themselves about each other. These stories are full of assumptions that do not hold up when communities and police develop trust and address crime together.

The scripts that police and communities tell each other are wrapped up in the enduring legacy of racism in America. However, as many cities in the National Network for Safe Communities have demonstrated, it is possible to change the negative scripts and reduce crime in our cities. Upon its success in Boston, Operation Ceasefire became a feature of the Strategic Approaches to Community Safety Initiative (SACSI) that was launched in 2000 in St. Louis, Atlanta, Albuquerque, and Rochester, New York, in 2000.

A common script in local communities of color is that the government is using drug laws as a tool of racial oppression. This kind of script can make drug use a sign of criminality or a sign of guilt, when people are not criminal offenders, or at all.

Second, perhaps ironically, the traditional system does not call offenders to account—for example, the system encourages defendants to plead not guilty. In human dignity the bishops call the faithful “to stand with victims in their anger and pain to support punitive responses means that offenders must be held accountable.” The “test for the rest of us,” the U.S. bishops explain, “is whether we exercise our responsibility to hold the offender responsible without violating his or her basic rights.”

The bishops highlight how the Sacrament of Penance has “much to teach us about taking responsibility, making amends, and reintegrating into the community.” This includes confession, contrition, satisfaction, and absolution.

Punitive crime policy incorrectly assumes that formal social controls, like the police and the criminal justice system, are the most important levers for controlling crime. They are not.

The most important things influencing whether or not someone commit a crime concerns whether or not she thinks they are doing right or wrong and whether the community that she belongs to thinks a particular action is right or wrong. Scholars call this “informal social control,” and it works through both “internal” controls like conscience, internalized moral norms, etc., and “external” controls constituted by an individual’s primary relationships, including loved ones, families, friends, peers, and the community.

Contrary to what many believe, most offenders, even the most serious, obey the law most of the time, and even most people in communities with the highest levels of crime obey the law most of the time—and desire to do so. In Los Angeles, for example, there are approximately 400 organized gangs with about 65,000 gang members in the city. A 2009 estimate shows that there were 141 gang homicides. That means that 64,859 gang members (assuming one gang member per homicide), and at least 259 gangs, did not kill anyone that year.

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Casting Stones: The Failure of Punitive Crime Policy,

By Alex Mikulich, Ph.D.

Restorative Justice (RJ) is an alternative criminal justice practice that emphasizes repairing the harm of unjust behavior. As Howard Zehr, a leading founder of the RJ movement explains, RJ emerged in the 1970s to address three problems of how the traditional system: 1) fails victims, 2) does not call offenders to account, and 3) does not address broader community needs.

First, too often, the criminal justice system fails victims. Imprisoning a perpetrator does little for the ongoing suffering of victims. The U.S. bishops lament how the system “neglects the hurt and needs of victims or seeks to exploit their anger and pain to support punitive policies.” In human dignity the bishops call the faithful “to stand with victims in their hurt and in their search for healing and genuine justice. This includes, of course, the children of the incarcerated, who themselves are seriously harmed by their parents’ misdeeds.”

Second, RJ calls upon the Father’s “unifying love” that saves and redeems all relationships. Although commonly translated as “peace,” the deeper meaning of shalom involves God’s “unifying love” that saves and redeems all relationships.

Jesus extends the Covenant when he calls upon the Father’s “unifying love” through his ministry. Jesus denounces leaders who “tie up heavy burdens and lay them on people’s backs but they will not lift a finger to move them” (Mt 23:4), he rejects punishment for its own sake for a woman caught in adultery (Jn 8:1-11), and he calls the faithful to visit the imprisoned, care for the sick, feed the hungry, and house the homeless (Mt 25).

Like the Good Samaritan (Lk 10), the faithful are called to “stop and help victims of crime recover from their physical and emotional wounds.”

Catholic Social Thought (CST) and Restorative Justice

By Michael J. Kennedy, S.J., Executive Director of the Jesuit Restorative Justice Initiative, explains, the hope of restorative justice ultimately resides in the depths of the Paschal Mystery where only God heals our brokenness by bringing life out of death.

ENDNOTES


3 Ibid., Responsibility, “Catholic Social Teaching.”


5 Ibid., Responsibility, “Catholic Social Teaching.”

6 Ibid., Responsibility, “Scriptural Foundations.”

7 Ibid., Responsibility, “Scriptural Foundations.”

8 Ibid., Responsibility, “Scriptural Foundations.”

To better understand how Mississippi arrived at this potentially historic juncture in stopping the spread of state-level anti-immigrant legislation, I interviewed individuals who helped to shape the coalition of new voices, as well as faith and civil rights leaders working for immigration justice in Mississippi.

A HOPELESS FEELING

At the beginning of the 2012 Mississippi legislative session, the passage of a strict immigration enforcement bill was considered by many as inevitable. The new governor, Republican Phil Bryant, ran on an anti-immigrant platform, and for the first time since Reconstruction both chambers of the legislature were majority Republican.

Long-time immigrant advocate Mary Townsend with El Pueblo/Seashore Mission in Biloxi told me, “I had no doubt [HB 488] was going to pass. I felt we didn’t have a chance.” Michael Ann Oropesa, Director of Parish-Based Ministries at the Diocese of Jackson, admits she sometimes suffered a “hopeless feeling, a feeling of defeat.” For Warren Yoder, the Executive Director of the Public Policy Center of Mississippi, the future for immigrant justice in Mississippi looked bleak: “We could really see ourselves going back to the 1930’s and 40’s in terms of the new Jim Crow. It’s not a great feeling.”

MOTIVATORS

Prime motivators of getting this going. Up through the legislature, the annual Gallup polls on immigration, the Mississippi Department of Finance and Administration’s report, the data and the research. The教堂也电多it on the bill. We had to come out full-force and really hard to build the coalition, but had the law enforcement people not been there first I don’t think we could have built the coalition.” He also noted that both the agricultural and business leaders were greatly influenced by the negative impact of HB 56 on Alabama’s economy and reputation.

I asked Robert Bruce Russell, Chief of Police for the city of Ellisville and a vocal leader of the law enforcement coalition, his reasons for opposing the law. He explained, “The city of Ellisville cannot afford to fix a problem the federal government created… I am going to be honest with you. After 20 years of law enforcement people get two things when they go to jail—they get religion and they get sick. We are going to have to pay the bills on that… We start housing this many people we have to pay for it.”

Chief Russell made a compelling moral argument against HB 488 as well. At a press conference inside the capitol on March 28, he told reporters, “It’s going to get to the point to where either you detain a man who’s working and trying to provide for his family, or you detain a man who’s working and trying to provide for his family. Or you detain a man who’s working and trying to provide for his family, or you detain a man who’s working and trying to provide for his family, or you detain a man who’s working and trying to provide for his family, or you detain a man who’s working and trying to provide for his family.”

Conclusion

Without moral arguments provided by faith leaders, including Rev. Jim Evans, D. Jackson, who led the Mississippi Black Caucus in opposing the bill, the debate over HB 488 could have easily devolved into a solely economic argument that ignored the humanity and dignity of immigrants. Views are mixed regarding whether Mississippi will face immigration bills in the next legislature. How the Supreme Court rules on Arizona’s SB 1070 will certainly be a factor. Warren Yoder is hopeful. “The 21st Century is going to be the age of Mississippi,” he said. “This is a place to keep an eye on and participate in. Because things are possible that nobody thought possible even four months ago. There are relationships that have been developed. There are possibilities that are being discussed. I frankly have no clue how this is going to work out—but there are heartening potentials.”

LAW ENFORCEMENT PRIME MOTIVATORS

Surprisingly, it was Mississippi law enforcement leaders that jump-started the coalition of new voices to defeat HB 488. Late Wednesday evening, March 14, an amendment giving law officers discretion over whether to investigate the immigration status of any person they arrested was removed from HB 488. Donna Echols, lobbyist for the Mississippi Association of Chiefs of Police said, “When that amendment took away our discretion, we had to come out full-force against it.” A leader in the agricultural sector, who asked not to be named, believes “law enforcement was one of the prime motivators of getting this going. Up to that point it looked like it was going to pass…The agricultural community worked really hard to build the coalition, but had the law enforcement people not been there first I don’t think we could have built the coalition.” According to the leader, “I am going to be honest with you. After 20 years of law enforcement people get two things when they go to jail—they get religion and they get sick. We are going to have to pay the bills on that… We start housing this many people we have to pay for it.”

Did Mississippian’s faith play a role?

As HB 488 was winding its way through the legislature, the annual Gallup Poll on religion in American life again found Mississippi in the “most religious” state, in the country, with 85 percent of Mississippi respondents agreeing that religion is an important part of their daily life. I asked what Mississippi leaders thought the role of faith played in the outcome of HB 488. Chief Russell told me, “It wasn’t about religion, it’s about the all-mighty dollar,” in his opposition to the bill he had provided important moral reasons to oppose HB 488. The leader of the agriculture group told me, “I’ll be honest with you, [religious leaders] did help… to shore up groups or legislators who would already be opposed. I don’t think they had much effect on persuading anybody who was otherwise voting or supporting.”

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for Reducing Gun Violence

By Alex Miklich, Ph.D.

The success of Ceasefire, a version of which is being implemented in New Orleans, is due to the fact that police and local neighborhoods came together, listened to each other, re-wrote old scripts, and learned about each other’s motivations in interest in reducing violence, which led to gang members giving up their guns and a reduction in violent crime. There are many more “best practices” to be explored. For starters, Operation Ceasefire shows that the old scripts can be changed and that police and local communities can work together to reduce violence. That is change we can all believe in.

ENDNOTES

2 Ibid.
4 Ibid., “Practice Brief.”
5 Ibid., “Practice Brief.”
6 Ibid., “Practice Brief.”
7 Loyola University New Orleans, JustSouth Quarterly, Summer 2012
9 Ibid., op. cit., p. 5.
10 Sawhill, Ibid., p. 7.
11 ibid., Ibid., p. 7.
12 Ibid., “Practice Brief.”
13 Sawhill, Ibid., p. 7.
14 ibid., “Practice Brief.”
15 Ibid., p. 150.
16 Ibid., “Practice Brief.”
17 Ibid., p. 75.

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