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Treating the Wounds of Crime (Interview with Hank Shea)

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Treating the wounds of crime

Working within the current U.S. criminal justice system, it is no simple task to heal the wounds of crime. While victims may serve as witnesses, the procedures and trial do not generally address the injury to relationships. For those who have been convicted, a system focused on punishment often neglects the delicate task of creating restorative actions that remedy harms and cause improvements in the lives of others. The power of apology and forgiveness need to be integrated into our criminal justice system in more than a formalistic way of just pleading guilty. Apology and forgiveness involve more than saying “I’m sorry.” Words are the easy part, but restorative actions that remedy harms and cause improvements in the lives of others are the true measure to getting on the road to recovery. Further, before someone can be rehabilitated and receive forgiveness from others, they first of all need to learn to forgive themselves. Our current system does not address those needs.

What brought you to change your approach to criminal prosecution in the early years of your career?

I had already been working as a prosecutor for close to fifteen years when I realized that my zealous approach to white collar crime was not leading to an adequate solution for the victims, for the defendants, or for the community as a whole. But for some crimes, such as public corruption and environmental crimes, the damage might be too diffuse to identify particular victims. I began to propose as part of plea agreements that funds be restored to the community as a whole; for example, we proposed that funds be used for a new roof for the senior citizens’ center, or for a food shelf or a domestic abuse shelter. This approach was not without controversy, but it opened the door for me to look beyond the traditional role of prosecutor.

How did moving beyond the traditional role change how you saw those accused of crime?

During plea negotiations, I began to see that there should be room to talk about recovery and healing. This resonated with some defense lawyers, who also saw that even if their clients had made horrible decisions, they could still be redeemed, and that they still had something to offer to society. I realized that there should be ways to help people learn from their mistakes, so that some good could emerge even out of bad decisions and misconduct.

One woman who had been convicted of a felony and sentenced to prison shared her story. “I went to prison.” Words are the easy part, but restorative actions that remedy harms and cause improvements in the lives of others are the true measure to getting on the road to recovery. Further, before someone can be rehabilitated and receive forgiveness from others, they first of all need to learn to forgive themselves. Our current system does not address those needs.

What changes do you see in those who share their stories?

With each person open to telling their story to students or other groups, I make it clear that they should not continue to do this unless after each presentation they get something out of it. This is not entertainment. It’s about education and the process of regaining self-respect and believing they still have something positive to add to the community. They genuinely believe that others will benefit from their cautionary tales. Felons do not often hear applause, but it is a common response to our presentations.

Do you think the criminal justice system as a whole could learn from these experiences?

Justice and mercy are often seen in contradiction, but I believe we cannot have one without the other. The power of apology and forgiveness need to be integrated into our criminal justice system in more than a formalistic way of just pleading guilty. Apology and forgiveness involve more than saying “I’m sorry.” Words are the easy part, but restorative actions that remedy harms and cause improvements in the lives of others are the true measure to getting on the road to recovery. Further, before someone can be rehabilitated and receive forgiveness from others, they first of all need to learn to forgive themselves. Our current system does not address those needs.

What do you think would be a shortcut to those who are at the beginning of their careers working within the criminal justice system?

All people, including criminal defendants, need to be recognized as human beings regardless of what they have done. We need to punish the wrongful act, but the actors, often broken people, should not be seen as faceless statistics. The way our criminal justice system is set up and strained for resources tends to dehumanize the person. In every step of the process, from charging to the plea agreement to sentence hearing, the process of receiving a confession, to sentencing and incarceration, we need to remember that most of these people will eventually be rejoining the community as our fellow citizens. If we give them a chance to accept full responsibility for what they have done, they often will try to redeem themselves. We need to think much more creatively about how we punish people, and work to develop a concept of community corrections and restorative justice, which enables offenders to make amends and reconcile with the community at the earliest opportunity.

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