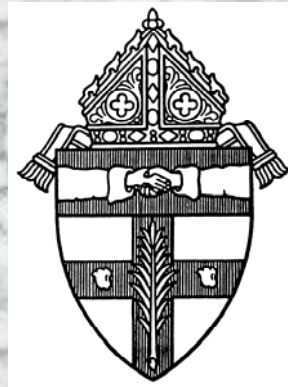
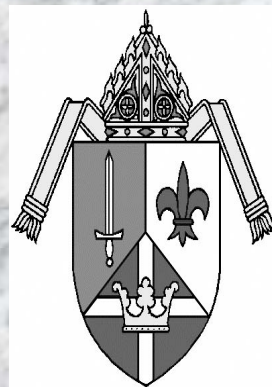
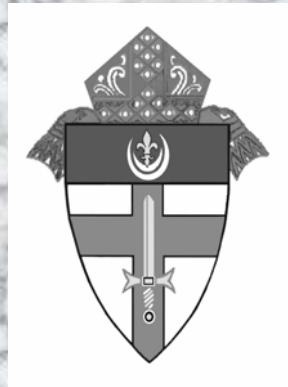
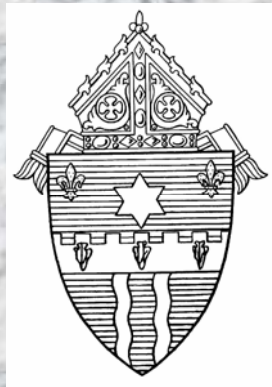


**A Catholic Perspective on Crime and Criminal Justice:
A Kentucky Call to
Responsibility, Rehabilitation, and Restoration**



December 2004
Revised December 2005

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We are all sinners. Forgive us our trespasses as we forgive those who trespass against us.

In November 2000, the U. S. Bishops issued a major faith based statement on crime and criminal justice: *Responsibility, Rehabilitation, and Restoration: A Catholic Perspective on Crime and Criminal Justice*, <http://www.usccb.org/sdwp/criminal.htm>. In that statement, the bishops:

- Call individuals, parishes, dioceses, and state Catholic conferences to instill Catholic principles and values in the criminal justice system. Key among these suggestions is an appeal to all those at the crossroads of crime and community, violence and justice, fear and hope—prosecutors, police officers, probation and parole officers, victim advocates, jail and prison ministers—to bring these Catholic principles and values to bear in their work.
 - Urge Catholics and others of good will to reach out to crime victims and offenders and to work for a reform of a criminal justice system where victims are often ignored, offenders are often not rehabilitated, and many communities have lost their sense of security. We stand in solidarity with victims of crime in their pain and we offer them our efforts toward understanding, compassion and healing. A basic moral measure is how the criminal justice system responds to those harmed by crime.
 - Call for a system that holds offenders accountable and challenges them to change their lives; reaches out to victims and rejects vengeance; restores a sense of community and resists the violence that has engulfed so much of our culture
 - Identify that a Catholic approach to crime and criminal justice is paradoxical. It does not tolerate the crime and violence that threatens the lives and dignity of our sisters and brothers, and it does not give up on those who have lost their way.
 - Encourage and support those called by our community to minister to prisoners and victims and all other people who work directly in the criminal justice system.
 - Ask that the criminal justice system become less retributive and more rehabilitative.
 - Challenge all Catholics to become involved in restoring communities to wholeness.
- Recognize that the current trend of more prisons and more executions, with too little education and drug treatment, does not truly reflect Christian values and will not really leave our communities safer.

Catholic Principles are the Foundation for Reform. The beliefs of our faith which inform the approach to reform of the criminal justice system are familiar to us:

- Every person is created in the image of God.
- Every person has rights and responsibilities.
- We are called to forgive seventy times seven times.
- The common good is our goal.
- There is a preferential option for the poor.
- Problem solving should occur in the community.

We all are responsible for all.

Scriptures teach us that just as God never abandons us, so too we must be in covenant with one another. We are all sinners, and our response to sin and failure should not be abandonment and despair, but rather justice, contrition, reparation, and return or reintegration of all into the community. Jesus rejected revenge and retaliation and was ever hopeful that offenders would transform their lives and turn to be embraced by God's love. The New Testament teaches us with the story of the Good Samaritan who helps the victim of crime and the parable of the Prodigal Son that instructs us about forgiveness and acceptance. The four traditional elements of

the sacrament of Penance have much to teach us about taking responsibility, making amends, and reintegrating into community:

- **Contrition:** Genuine sorrow, regret, or grief over one's wrongs and a serious resolution not to repeat the wrong;
- **Confession:** Clear acknowledgment and true acceptance of responsibility for the hurtful behavior;
- **Satisfaction:** The external sign of one's desire to amend one's life (this "satisfaction," whether in the form of prayers or good deeds, is a form of "compensation" or restitution for the wrongs or harms caused by one's sin);
- **Absolution:** After someone has shown contrition, acknowledged his or her sin, and offered satisfaction, then Jesus, through the ministry of the priest and in the company of the church community, forgives the sin and welcomes that person back into communion.

The Criminal Justice System in Kentucky. Kentucky has 16 state prisons, three of which are privately managed. In 2005, there are a total of 19,861 state inmates with 1,614 of those in privately managed prisons, and 6,000 are state prisoners in county jails, in a halfway house, controlled intake, community custody or awaiting judgment. Another 10,000 are in Kentucky's jails awaiting resolution of pending charges. Thirty-two per cent of Kentucky's prisoners are non-white. Eight percent of them are women. There are 33,252 persons on probation or parole in Kentucky. The prison population is expected to grow to 28,770 by 2015.

The criminal justice portion of Kentucky's budgeted funding is but \$976 million or 5.39% of the budgeted funds for all 3 branches of state government. Kentucky's Corrections Department is allotted \$381 million or over one third, by far the most resources of any criminal justice entity in Kentucky. The 2008 funding is projected at \$495 million.

The average cost to incarcerate a prisoner in Kentucky's prisons is \$17,194 per year. The yearly cost to supervise a person on probation or parole is \$1,256. Adult Institutions have 2,897 employees, the majority employed within the state's correctional institutions. There are 5 federal correctional facilities in Kentucky the capability of imprisoning 7,600 with a staff of 1,781 and funding of \$157 million.

Kentucky's Response. In response to *Responsibility, Rehabilitation, and Restoration: A Catholic Perspective on Crime and Criminal Justice*, Kentucky bishops and the Catholic Conference of Kentucky Social Concerns and Pro-life Committees visited the Kentucky State Penitentiary, which incarcerates 800 maximum security prisoners in Eddyville, in 2002, Kentucky Correctional Institution for Women in Pewee Valley, which has 700 women, in 2003, and the Lexington Federal Medical Center prison housing 2400 inmates in 2004. This visiting, listening and witness lead us to the following education, ministry, and public policy initiatives over the next 3 years.

Education

1) Teach right from wrong, respect for life, forgiveness and mercy. Parish priests, pastoral directors, Catholic educators will continue and increase efforts to assist parents in teaching children right from wrong, respect for life, and forgiveness and mercy. They will encourage character-building programs, and teach conflict resolution, especially to children, as a way to reduce violence.

Ministry

2) Continue and expand social outreach to victims and offenders by diocesan social services organizations and parishes.

The diocesan social services organizations and parish outreach efforts will continue to provide and expand where possible their efforts to provide counseling to victims of crime, ex-offender reintegration programs, charitable services to low income people, drug and alcohol recovery programs. Victims of

crime and their families often turn to their local parishes for compassion and support. Pastors and parish ministers must be prepared to respond quickly and effectively. In the past, failure to do so has resulted in alienation from the Church by crime victims and/or members of the families of crime victims. Our pastoral presence to victims must be compassionate and constant, which includes developing victim ministry programs. Such programs will teach ministers to acknowledge the emotional strain felt by victims, to understand that the search for wholeness can take a very long time, and to encourage victims to redirect their anger from vengeance to true justice and real healing.

3) Support and increase ministry to the incarcerated. Spiritual healing and renewal for those who commit crime will be encouraged. Every indication is that genuine religious participation and formation is a road to renewal and rehabilitation for those who have committed crimes. This includes contact with trained parish volunteers who help nourish the faith life of inmates and ex-offenders. Current prison ministries will be identified in the 4 dioceses. There will be a statewide assembly of those doing prison ministry to communicate the importance of the ministry, provide support to those doing this ministry, and invite the involvement of interested Catholics who want to explore beginning prison ministry. As ordained ministers committed to service, deacons should be especially drawn to the challenge of Matthew 25: "For I was . . . in prison and you visited me."

Public Policy

4) Convene Catholic criminal justice professionals. Professionals of the criminal justice community should be convened by the Catholic Conference of KY to discuss the application of *Responsibility, Rehabilitation, and Restoration: A Catholic Perspective on Crime and Criminal Justice* to the Kentucky criminal justice system and to their work.

5) Offer victims the opportunity to participate more fully in the criminal justice process.

Victims and their families must have a more central place in a reformed criminal justice system. Victims of crime have the right to be kept informed throughout the criminal justice process. They should be able to share their pain and the impact of the crime on their lives after conviction has taken place and in appropriate ways during the sentencing process. If they wish, they should be able to confront the offender and ask for reparation for their losses. We urge strengthening of victims' advocacy programs.

6) Advocate for alternatives to incarceration by making a policy decision to reallocate existing incarceration funds. Renewed emphasis should be placed on parole and probation systems as alternatives to incarceration, especially for non-violent offenders. Freeing up prison money to bolster these systems should be a top priority. A public policy decision should be made to reallocate some of the \$334 million Kentucky spends on incarceration for the treatment of those who have committed nonviolent drug crimes. Nonviolent drug crimes should be decriminalized or have substantially reduced penalties, as has been done in other states. Funding for Kentucky's Community Corrections Commission should be increased substantially. Services for mentally ill prisoners should be increased to meet their special needs.

7) Eliminate Kentucky's use of private prisons and privatizing correctional services in state correctional facilities. It is questionable whether private, for-profit corporations can effectively run prisons. The profit motive may lead to reduced efforts to change behaviors, treat substance abuse, and offer skills necessary for reintegration into the community. Kentucky's three private prisons should be returned to state control as state prisons. Correctional services should not be privatized.

8) Provide for timely restoration of voting rights to offenders. Ex-offenders should be welcomed back into society as full participating members, to the extent feasible, and have their right to vote automatically restored. In Kentucky, an estimated 109,000 adults have been disenfranchised as a result of incarceration. Section 145 of the Kentucky Constitution suspends the right to vote for anyone convicted

of a felony, but does allow for that right to be restored. The Governor can grant a limited pardon and restore voting rights to those who have fully satisfied the punishment imposed by the Court. In 2001 the Kentucky General Assembly passed legislation requiring the Department of Corrections to implement a simplified process for the restoration of civil rights to eligible felony offenders. The Catholic Conference of Kentucky supported this legislation because it is in accord with our faith's desire that persons who have completed serving their sentences should become "full participating members" of society, which includes the right to vote. The Governor should exercise his discretion to restore the right to vote to felons who are released from prison on parole or after serving out their sentence. Section 145 of the Kentucky Constitution should be changed to allow for the automatic restoration of voting rights after release from prison or upon completion of sentence.

9) Provide that custodial interrogations are electronically recorded in capital investigations. Custodial interrogations should be electronically recorded. Twenty-seven of the first 111 people sentenced to death and then exonerated by DNA had made false confessions. Mentally retarded, mentally ill, juvenile and poorly educated suspects are particularly vulnerable to making false confessions when confronted with powerful interrogation tactics. There is a need for commonsense reform to protect the innocent from over-zealous and even well intentioned interrogators. Electronic recording of interrogations not only protects the innocent, it serves the interests of everyone in our justice system: 1) It serves the interests of law enforcement and judiciary by: strengthening prosecution case; preventing wrongful convictions based on false/coerced confessions; minimizing lengthy and costly appeals; protecting law enforcement agencies from false allegations of misconduct; improving the overall efficiency of the legal process; lessening number of lengthy suppression hearings; increasing public confidence; providing judges with better documented evidence; providing appellate courts with a clear record for review. 2) It ensures the guilty are punished and the public is protected by: providing clear evidence of voluntariness of statements; removing any doubt of what was said and why; identifying false confessions and admissions quickly so that law enforcement can find the actual offender(s). 3) It protects the innocent by: preventing erroneous convictions based coerced statements; alerting judges and juries to the vulnerabilities of particular defendants (like impressionable juveniles and those with mental retardation or mental illness); eliminating excessively coercive interrogation techniques; helping to ensure law enforcement complies with *Miranda*; exposing over-zealous police officers. The minimal cost of providing recording equipment to the rare police force which does not already have video cameras is easily offset by reducing false arrest and police misconduct lawsuits, lowering then number of suppression hearings and encouraging more plea agreements. The American Bar Association has called for videotaping of interrogations. Some law enforcement agencies in Kentucky have begun to electronically record interrogations, including the Louisville Metro Police and Hardin County Sheriff Office.

10) Eliminate killing by the state. Kentucky should abolish the death penalty. Kentucky's Governor should commute to life imprisonment without parole those sentenced to death. Kentuckians are called to heed the prophetic witness of Pope John Paul II who, when he last visited our nation, appealed for an end to capital punishment: "The new evangelization calls for followers of Christ who are unconditionally pro-life: who will proclaim, celebrate and serve the Gospel of life in every situation. A sign of hope is the increasing recognition that the dignity of human life must never be taken away, even in the case of someone who has done great evil. Modern society has the means of protecting itself, without definitively denying criminals the chance to reform (cf. *Evangelium Vitae*, no. 27). I renew the appeal I made most recently at Christmas for a consensus to end the death penalty, which is both cruel and unnecessary."

Appreciation

As bishops, we offer a word of thanks and support to those who devote their lives and talents to the tasks of protection and restoration: chaplains and prison ministry volunteers, police and corrections officers, probation and parole officers, judges, prosecutors and defense attorneys, and counselors for victims and

offenders. We call on others to join them in a new commitment to prevent crime and to rebuild lives and communities.

Conclusion

As bishops, teachers, and pastors, we seek to offer a perspective inspired by our Catholic tradition to the discussion on crime. For us, crime and the destruction it brings raise fundamental questions about the nature of personal responsibility, community, sin, and redemption. A distinctively Catholic approach to these questions can offer society another way to understand and respond to crime, its victims, and its perpetrators. We approach this topic, however, with caution and modesty. The causes of crime are complex. The ways to overcome violence are not simple. The chances of being misunderstood are many.

Adopted by the Board of Directors of the Catholic Conference of Kentucky
December 14, 2004; revised December 6, 2005

The Most Rev. Thomas C. Kelly, O.P.—Archbishop of Louisville
The Most Rev. John J. McRaith — Bishop of Owensboro
The Most Rev. Roger J. Foy — Bishop of Covington
The Most Rev. Ronald W. Gainer — Bishop of Lexington