

# RESPONSIBILITY, REHABILITATION, AND RESTORATION: A CATHOLIC PERSPECTIVE ON CRIME AND CRIMINAL JUSTICE

## *A Statement of the Catholic Bishops of the United States*

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*"We are still a long way from the time when our conscience can be certain of having done everything possible to prevent crime and to control it effectively so that it no longer does harm and, at the same time, to offer to those who commit crimes a way of redeeming themselves and making a positive return to society. If all those in some way involved in the problem tried to . . . develop this line of thought, perhaps humanity as a whole could take a great step forward in creating a more serene and peaceful society."*

*Pope John Paul II, July 9, 2000*

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## Introduction

As Catholic bishops, our response to crime in the United States is a moral test for our nation and a challenge for our Church. Although the FBI reports that the crime rate is falling, crime and fear of crime still touch many lives and polarize many communities. Putting more people in prison and, sadly, more people to death has not given Americans the security we seek. It is time for a new national dialogue on crime and corrections, justice and mercy, responsibility and treatment. As Catholics, we need to ask the following: How can we restore our respect for law and life? How can we protect and rebuild communities, confront crime without vengeance, and defend life without taking life? These questions challenge us as pastors and as teachers of the Gospel.

Our tasks are to restore a sense of civility and responsibility to everyday life, and promote crime prevention and genuine rehabilitation. The common good is undermined by criminal behavior that threatens the lives and dignity of others and by policies that seem to give up on those who have broken the law (offering too little treatment *and* too few alternatives to either years in prison or the execution of those who have been convicted of terrible crimes).

New approaches must move beyond the slogans of the moment (such as "three strikes and you're out") and the excuses of the past (such as "criminals are simply trapped by their background"). Crime, corrections, and the search for real community require far more than the policy clichés of conservatives and liberals.

A Catholic approach begins with the recognition that the dignity of the human person applies to both victim and offender. As bishops, we believe 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. We are convinced that our tradition and our faith offer better alternatives that can hold offenders accountable and challenge them to change their lives; reach out to victims *and* reject vengeance; restore a sense of community and resist the violence that has engulfed so much of our culture.

### Crime and the Catholic Community

Many of our parishes dramatically reflect the human and other costs of so much crime. The church doors are locked; the microphones hidden. Parishes spend more on bars for their windows than on flowers for their altars. More tragically, they bury young people caught in gang violence, the drug trade, or the hopelessness that leads children to take their own lives. These parishes reach out to prisoners and their families, offering help and hope to those caught up in crime and the criminal justice system. They also struggle to respond to the needs of crime victims: the parents who lose a child, the elderly woman who is mugged, the shopkeeper who is robbed, the child whose parent is in jail.

As bishops, teachers, and pastors, we seek to offer a perspective inspired by our Catholic tradition to the national

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.

In developing these reflections, we have consulted with Catholics who are involved in every aspect of the criminal justice system: prison chaplains, police officers, prosecutors, defense attorneys, judges, probation and parole officers, wardens, correctional officers, crime victims, offenders, families of both victims and offenders, and treatment personnel. In our parishes, schools, and Catholic Charities agencies, Catholics see firsthand the crushing poverty and the breakdown of family life that often lead to crime and at the same time care for prisoners, victims, and their families. All of their experience and wisdom has been helpful to us.

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, prosecutors and defense attorneys, and counselors. We call on others to join them in a new commitment to prevent crime and to rebuild lives and communities. 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." We also wish to stand in solidarity with crime victims in their pain and loss, insisting that all our institutions reach out to them with understanding, compassion, and healing.

Many Catholics help to prevent and control crime, especially among our youth. No one can take the place of parents, but grandparents, pastors, coaches, teachers, mentors, as well as neighbors, parishioners, and community leaders all help to guide, confront, and care for young people at risk.

At the same time, we cannot ignore the fact that some Catholics have been convicted of theft and drug dealing, spousal and child abuse, even rape and murder. In fact, it is reported that more than thirty-seven thousand federal prisoners (30 percent of the federal inmate population)<sup>1</sup> are baptized Catholic, many more Catholics are in local jails and state prisons, and hundreds of thousands are on probation or parole. Catholics can also be found among white-collar criminals whose illegal actions in businesses, financial markets, and government halls seriously damage our common life and economic stability.

All those whom we consulted seemed to agree on one thing: the status quo is not really working—victims are often ignored, offenders are often not rehabilitated, and many communities have lost their sense of security. All of these committed people spoke with a sense of passion and urgency that the system is broken in many ways. We share their concern and believe that it does not live up to the best of our nation's values and falls short of our religious principles.

In light of this, we seek to do the following in these reflections:

- Explore aspects of crime and punishment in our society
- Examine the implications of the Church's teaching for crime and punishment
- Apply principles of Catholic social teaching to the criminal justice system and suggest some directions for policy on crime and punishment
- Encourage action by Catholics to shape new alternatives

#### **Some Dimensions of Crime and Punishment in the United States**

Although overall crime rates in the United States rose significantly between 1960 and 1991, the crime and

victimization rates have fallen steadily since that time.<sup>2</sup> Why criminal activity has dropped in the last decade has been the subject of considerable debate. Some argue that high incarceration rates and tougher sentences have made the difference. Others point to community policing, economic prosperity, and fewer young people. Experts do not agree on the determining factors, suggesting that many forces, taken together, have contributed to this decline. But regardless of their impact, not all methods of reducing crime are consistent with the teachings of the Church and the ideals of our nation. For example, even if the death penalty were proven to be a deterrent to crime, the Catholic bishops would still oppose its use because there are alternative means to protect society available to us today.

**Victims of Crime in the United States:** In 1998, about one out of every twenty-seven Americans over the age of twelve was the victim of a violent crime (e.g., murder, rape/sexual assault, robbery, aggravated and simple assault) and approximately one out of every four American households suffered a property crime (e.g., household burglary, auto theft).<sup>3</sup> African Americans and Hispanic Americans have been victimized at far higher rates than others. For example, in 1990, the murder rate for young black men was 140 victims per 100,000—seven times the rate for young white men.<sup>4</sup>

Also affected by crime are the children left behind by incarcerated parents—children who themselves are at risk for criminal activity. One and one-half million children under the age of eighteen (or 2.1 percent) have a parent in state or federal prison. Of these, 22 percent are under the age of five and 58 percent are less than ten. Most of the parents (92.6 percent) are fathers, and most are disproportionately African American (49.4 percent) and Hispanic American (18.9 percent). African American children are nine times more likely to have a parent incarcerated (7 percent) than white children (0.8 percent), and Hispanic American children are three times as likely (2.6 percent) as white children.<sup>5</sup>

In response to so much crime and the treatment of those touched by crime, a strong and growing movement has emerged that advocates on behalf of crime victims and seeks to make the justice system more responsive to their concerns.<sup>6</sup> We believe that these efforts deserve support. We encourage and stand with victims and those who assist them. A fundamental moral measure of the criminal justice system is how it responds to those harmed by crime. Too often, the criminal justice system neglects the hurt and needs of victims or seeks to exploit their anger and pain to support punitive policies.

Not victims in the usual sense but certainly personally affected by crime are peace officers and those who work in correctional facilities. This is difficult work especially for those who work on death row and participate in executions in the regular course of their duties. They too are often in need of healing and compassion. We support steps to educate, train, evaluate, and counsel peace officers, consistent with a culture of life.

White-collar crime also costs our society in major ways. It is reported that the average business enterprise loses more than \$9 a day per employee to fraud and abuse or about 6 percent of its total annual revenue. More than \$400 billion is lost annually to U.S. businesses and government by fraud and abuse.<sup>7</sup> These crimes often go unacknowledged and unpunished, but they can have a devastating impact on employees, investors, consumers, and taxpayers who pay the price for corruption and dishonesty. We all lose when industries fail to obey the laws that ensure that the land, water, and air are not harmed. People in positions of power and responsibility have particular obligations to live within the law and not to enrich themselves at the expense of others.

**Punishment in the United States:** The many forms of punishment for those who are convicted of crime in the United States vary, ranging from fines and probation to boot camps and chain gangs, to incarceration in jails and prisons, and finally to the death penalty. In 1998, the imprisonment rate in America was 668 per 100,000 offenders. This is six to twelve times higher than the rate of other Western countries.<sup>8</sup> This astounding rate of incarceration is due to policies such as "three strikes and you're out" and "zero-tolerance" for drug offenders.<sup>9</sup> As incarceration rates have increased, so have other punitive measures. Mandatory minimum sentences are much more common as is the willingness to use isolation units. As of 1997, thirty-six states and the federal government have constructed "supermax" prisons.<sup>10</sup> These facilities isolate prisoners considered most dangerous and confine them to small cells by themselves for twenty-two to twenty-four hours each day. Additionally, the death penalty is being used with increasing frequency. In Texas and Virginia alone, nearly three hundred executions have taken place since 1976, many of them within the last three years. And in California well over five hundred people are on death row. These statistics and policies reflect legislative action at the federal and state levels that is adopted by legislators seeking to appear "tough on crime" in response to often sensational media coverage of crime.

The United States spends more than \$35 billion annually on corrections. In many states, education, health and human services, and public transportation budgets remain stagnant or decline while more and more prisons are built.<sup>11</sup> Also suffering from a diversion of public dollars for prison construction are the very critical programs of probation and parole, halfway houses, community treatment options, and other post-release programs. For some small towns facing losses in agriculture, mining, or manufacturing, the economic benefits from building a prison and offering related services are seen as economic development creating vital new jobs.<sup>12</sup> Rural communities may not

have the social or physical infrastructure to handle either the facility itself, the needs of the inmate's family, or the needs of the staff. But public debate rarely encourages serious dialogue about the costs of incarceration versus less costly alternatives, such as prevention, education, community efforts, and drug treatment.

**Characteristics of the Inmate Population:** The inmate population has risen from 250,000 in 1972 to a record two million inmates in 2000. Just as African and Hispanic Americans are victimized at higher rates, so too, are they incarcerated at higher rates:

- African Americans make up 12 percent of the U.S. population but represent more than 49 percent of prisoners in state and federal prisons.<sup>13</sup> Nationally, one in ten African American males is in prison, on probation, or on parole.<sup>14</sup>
- Hispanic Americans make up 9 percent of the U.S. population but 19 percent of prisoners in state and federal prisons.<sup>15</sup>

Recent studies show that African, Hispanic, and Native Americans are often treated more harshly than other citizens in their encounters with the criminal justice system (including police activity, the handling of juvenile defendants, and prosecution and sentencing).<sup>16</sup> These studies confirm that the racism and discrimination that continue to haunt our nation are reflected in similar ways in the criminal justice system.

Prison inmates have high rates of substance abuse, illiteracy, and mental illness. According to the Department of Justice, nearly two million people are behind bars, of whom

- 24 percent are incarcerated for drug offenses, and nearly half were under the influence of drugs or alcohol when they committed the crime<sup>17</sup>
- 70 percent did not complete high school
- As many as 200,000 suffer from some form of mental illness<sup>18</sup>

While the vast majority of inmates in the United States are men, the number of women being incarcerated has increased 600 percent since 1980, largely as a result of tougher drug laws. This rate of increase is higher than the rate of increase for men. Seventy percent of female inmates are non-violent offenders, and an equal number have left children behind, often in foster care, as they enter prison.<sup>19</sup>

**Detention of Immigrants:** We bishops have a long history of supporting the rights of immigrants. Therefore, the special circumstances of immigrants in detention centers is of particular concern. The Immigration and Naturalization Service (INS) uses a variety of methods to detain immigrants, some of them clearly inappropriate, such as placing detainees in prisons with convicted felons or in local jails where conditions are deplorable.

Recently enacted laws have resulted in the tripling of the number of non-citizens incarcerated and awaiting deportation, including women and minors.<sup>20</sup> Now the INS is required to detain and deport immigrants who have committed an offense in the past, even if they have served a sentence for that offense and are now contributing members of society. Many of these people (an estimated five thousand out of the estimated twenty thousand immigrants under INS detention) spend months or even years in detention centers because they are refused repatriation by their countries of origin. Others languish because they are victims of an overwhelmed INS bureaucracy. These lengthy stays place considerable hardship on other family members living in the United States or in their country of origin, many of whom have depended on the income of the person incarcerated.

Additionally, new rules allow for "expedited removal" of those seeking asylum—a process whereby INS officials turn away those fleeing persecution in their home countries. Those not quickly returned are placed in detention centers for weeks or even months until they receive an asylum hearing.

**Offenders and Treatment:** Since the 1970s, a considerable debate has developed in the United States about whether treatment programs work and to what extent.<sup>21</sup> Careful reviews of the literature on rehabilitation have concluded that treatment does reduce recidivism. No single type of treatment or rehabilitation program, however, works for every offender. The effectiveness of programs depends on many things, including type of offense, quality of the program, and family, church, and community support.

One area of criminal activity that seems to respond to treatment is substance abuse. More is being learned about how substance abuse and crime are linked in the United States. According to a National Institute of Justice report, at the time of their arrest two-thirds of adults and half of juveniles tested positive for at least one drug.<sup>22</sup> Recent nationwide studies have concluded that drug treatment is reducing drug use, criminal activity, and physical and mental health problems, as well as increasing employment potential.<sup>23</sup>

These research studies also suggest that drug treatment is a very cost-effective method to reduce substance abuse and crime.<sup>24</sup> The savings to tax payers from quality substance abuse treatment versus imprisonment is significant

(three to one in a recent RAND Corporation study).<sup>25</sup> Furthermore, community-based substance abuse programs and programs that address behaviors that lead people to crime are far less expensive than similar programs in prison and produce effective and encouraging results.<sup>26</sup> Finally, new studies confirm what our pastoral experience has demonstrated: that physical, behavioral, and emotional healing happens sooner and with more lasting results if accompanied by spiritual healing.<sup>27</sup> Access to worship and religious formation is not only guaranteed by the Constitution, it is a significant element in rebuilding lives and changing behavior.

We now turn our attention to our Catholic tradition and examine how it might help frame our nation's responses to crime.

## **Scriptural, Theological, and Sacramental Heritage**

Every day Christians pray for justice and mercy in the prayer that Jesus taught us: "Thy kingdom come, thy will be done, on earth as it is in heaven." Every day Christians recognize both that we are guilty of sin and that we are forgiven: "Forgive us our trespasses as we forgive those who trespass against us." This common prayer, the Lord's Prayer, recognizes our failures and offenses, and acknowledges our dependence on God's love and mercy.

Our Catholic faith can help us and others to go beyond the current debate and gain a deeper understanding of how to reject crime, help heal its victims, and pursue the common good. We wish to move away from the so-called "soft" or "tough" approaches to crime and punishment offered by those at opposite ends of the political spectrum.

St. Paul outlined our task when he told us to "test everything; retain what is good. Refrain from every kind of evil" (1 Thes 5:21). He calls us to affirm the demands of both justice and mercy, the place of punishment and forgiveness, and the reality of free will and poor choices.

In the United States, history tells us that the prison system was, in some ways, built on a moral vision of the human person and society—one that combined a spiritual rekindling with punishment and correction.<sup>28</sup> But along the way, this vision has too often been lost. The evidence surrounds us: sexual and physical abuse among inmates and sometimes by corrections officers, gang violence, racial division, the absence of educational opportunities and treatment programs, the increasing use of isolation units, and society's willingness to sentence children to adult prisons—all contributing to a high rate of recidivism. Our society seems to prefer punishment to rehabilitation and retribution to restoration thereby indicating a failure to recognize prisoners as human beings.

In some ways, an approach to criminal justice that is inspired by a Catholic vision is a paradox. We cannot and will not tolerate behavior that threatens lives and violates the rights of others. We believe in responsibility, accountability, and legitimate punishment. Those who harm others or damage property must be held accountable for the hurt they have caused. The community has a right to establish and enforce laws to protect people and to advance the common good.

At the same time, a Catholic approach does not give up on those who violate these laws. We believe that both victims and offenders are children of God. Despite their very different claims on society, their lives and dignity should be protected and respected. We seek justice, not vengeance. We believe punishment must have clear purposes: protecting society and rehabilitating those who violate the law.

We believe a Catholic vision of crime and criminal justice can offer some alternatives. It recognizes that root causes and personal choices can both be factors in crime by understanding the need for responsibility on the part of the offender and an opportunity for their rehabilitation. A Catholic approach leads us to encourage models of restorative

justice that seek to address crime in terms of the harm done to victims and communities, not simply as a violation of law.

### **Scriptural Foundations**

The Old Testament provides us with a rich tradition that demonstrates both God's justice and mercy. The Lord offered to his people Ten Commandments, very basic rules for living from which the Israelites formed their own laws in a covenant relationship with God. Punishment was required, reparations were demanded, and relationships were restored. But the Lord never abandoned his people despite their sins. And in times of trouble, victims relied on God's love and mercy, and then on each other to find comfort and support (Is 57:18-21; Ps 94:19).

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.

The New Testament builds on this tradition and extends it. Jesus demonstrated his disappointment with those who oppressed others (Mt 23) and those who defiled sacred spaces (Jn 2). At the same time, he rejected punishment for its own sake, noting that we are all sinners (Jn 8). Jesus also rejected revenge and retaliation and was ever hopeful that offenders would transform their lives and turn to be embraced by God's love.

Jesus, who himself was a prisoner, calls us to visit the imprisoned and to take care of the sick (including victims of crime), the homeless, and the hungry (Mt 25). His mission began with proclaiming good news to the poor and release to captives (Lk 4). In our day, we are called to find Christ in young children at risk, troubled youth, prisoners in our jails and on death row, and crime victims experiencing pain and loss.

The story of the Good Samaritan (Lk 10), who did all he could to help a victim of crime, a stranger, is a model for us today. We must be willing to stop and help victims of crime recover from their physical and emotional wounds.

The parable of the Prodigal Son (Lk 15) shows God's love for us and models how we should love one another. In spite of his younger son's reckless life and squandering of his inheritance, the father celebrates his return home, recognizing that his son has shown contrition and has changed his life. The lost who have been found are to be welcomed and celebrated, not resented and rejected. Pope John Paul II said

What Christ is looking for is trusting acceptance, an attitude which opens the mind to generous decisions aimed at rectifying the evil done and fostering what is good. Sometimes this involves a long journey, but always a stimulating one, for it is a journey not made alone, but in the company of Christ himself and with his support. . . . He never tires of encouraging each person along the path to salvation.<sup>29</sup>

### **Sacramental and Historical Heritage**

Our sacramental life can help us make sense of our paradoxical approach to crime and punishment. The sacraments of Penance and the Eucharist are real encounters with the Saving Lord and central Catholic signs of true justice and mercy. Sinners are encouraged to take responsibility and make amends for their sins; yet we never give up hope that they can be forgiven and rejoin the community.

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"

Centuries ago, St. Thomas Aquinas taught us that punishment of wrongdoers is clearly justified in the Catholic tradition, but is never justified for its own sake. A compassionate community and a loving God seek accountability and correction but not suffering for its own sake. Punishment must have a constructive and redemptive purpose.

Today these traditional teachings still shape our understanding of punishment. We begin with a belief in the existence of a natural moral law that resides within the hearts of individuals and within the life of the community. This moral code is common to all peoples and is never fully excused by external circumstances. All are born with free will that must be nurtured and informed by spiritual, intellectual, emotional, and physical disciplines and by the community. Although not everyone has the same ability to exercise free will, each person is responsible for and will be judged by his or her actions according to the potential that has been given to him or her. We believe that it is God who ultimately judges a person's motivation, intention, and the forces that shaped that person's actions.

### **Catholic Social Teaching**

Catholic social teaching offers directions as well as measures for our response to crime and criminal justice.

**Human Life and Dignity:** The fundamental starting point for all of Catholic social teaching is the defense of human life and dignity: every human person is created in the image and likeness of God and has an inviolable dignity, value, and worth, regardless of race, gender, class, or other human characteristics. Therefore, both the most wounded victim and the most callous criminal retain their humanity. All are created in the image of God and possess a dignity, value, and worth that must be recognized, promoted, safeguarded, and defended. For this reason, any system of penal justice must provide those necessities that enable inmates to live in dignity: food, clothing, shelter, personal safety, timely medical care, education, and meaningful work adequate to the conditions of human dignity.<sup>30</sup>

Human dignity is not something we earn by our good behavior; it is something we have as children of God. We believe that because we are all created by God, "none of us is the sum total of the worst act we have ever committed. . . . As a people of faith, we believe that grace can transform even the most hardened and cruel human beings."<sup>31</sup>

Victims, too, must have the help of the faith community in recovering their dignity. To be excluded from the proceedings against their offenders, to be ignored by friends and family, or to be neglected by the community of faith because their deep pain is unsettling only serves to further isolate victims and denies their dignity. All of us are called 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.

**Human Rights and Responsibilities:** Our tradition insists that every person has both rights and responsibilities. We have the right to life and to those things that make life human: faith and family, food and shelter, housing and health care, education and safety. We also have responsibilities to ourselves, to our families, and to the broader community.

Crime and corrections are at the intersection of rights and responsibilities. Those who commit crimes violate the rights of others and disregard their responsibilities. But the test for the rest of us is whether we will exercise our responsibility to hold the offender accountable without violating his or her basic rights. Even offenders should be treated with respect for their rights.

**Family, Community, and Participation:** We believe the human person is social. Our dignity, rights, and responsibilities are lived out in relationship with others, and primary among these is the family. The disintegration of family life and community has been a major contributor to crime. Supporting and rebuilding family ties should be central to efforts to prevent and respond to crime. Placing prisons in remote areas diminishes contacts with close relatives and undermines the family connections that could aid in restoration, especially for young offenders.

Likewise, maintaining community and family connections can help offenders understand the harm they've done and prepare them for reintegration into society. Isolation may be necessary in some rare cases; but while cutting off family contact can make incarceration easier for those in charge, it can make reintegration harder for those in custody.

The principle of participation is especially important for victims of crime. Sometimes victims are "used" by the criminal justice system or political interests. As the prosecution builds a case, the victim's hurt and loss can be seen as a tool to obtain convictions and tough sentences. But the victim's need to be heard and to be healed are not really



addressed.

**The Common Good:** The social dimension of our teaching leads us to the common good and its relationship to punishment. According to the *Catechism of the Catholic Church*, punishment by civil authorities for criminal activity should serve three principal purposes: (1) the preservation and protection of the common good of society, (2) the restoration of public order, and (3) the restoration or conversion of the offender.<sup>32</sup>

The concept of "redress," or repair of the harm done to the victims and to society by the criminal activity, is also important to restoring the common good. This often neglected dimension of punishment allows victims to move from a place of pain and anger to one of healing and resolution. In our tradition, restoring the balance of rights through restitution is an important element of justice.

**The Option for the Poor and Vulnerable:** This principle of Catholic social teaching recognizes that every public policy must be assessed by how it will affect the poorest and most vulnerable people in our society. Sometimes people who lack adequate resources from early in life (i.e., children—especially those who have been physically, sexually, or emotionally abused—the mentally ill, and people who have suffered discrimination) turn to lives of crime in desperation or out of anger or confusion. Unaddressed needs—including proper nutrition, shelter, health care, and protection from abuse and neglect—can be steppingstones on a path towards crime. Our role as Church is to continually work to address these needs through pastoral care, charity, and advocacy.

**Subsidiarity and Solidarity:** These two related principles recognize that human dignity and human rights are fostered in community. Subsidiarity calls for problem-solving initially at the community level: family, neighborhood, city, and state. It is only when problems become too large or the common good is clearly threatened that larger institutions are required to help. This principle encourages communities to be more involved. Criminal activity is largely a local issue and, to the extent possible, should have local solutions. Neighborhood-watch groups, community-oriented policing, school liaison officers, neighborhood treatment centers, and local support for ex-offenders all can be part of confronting crime and fear of crime in local communities.

Solidarity recognizes that "we are all really responsible for all."<sup>33</sup> Not only are we responsible for the safety and well-being of our family and our next-door neighbor, but Christian solidarity demands that we work for justice beyond our boundaries. Christians are asked to see Jesus in the face of everyone, including both victims and offenders. Through the lens of solidarity, those who commit crimes and are hurt by crime are not issues or problems; they are sisters and brothers, members of one human family. Solidarity calls us to insist on responsibility and seek alternatives that do not simply punish, but rehabilitate, heal, and restore.

## Policy Foundations and Directions

In light of this moral framework, we seek approaches that understand crime as a threat to community, not just a violation of law; that demand new efforts to rebuild lives, not just build more prisons; and that demonstrate a commitment to re-weave a broader social fabric of respect for life, civility, responsibility, and reconciliation. New approaches should be built on the following foundations:

1. **Protecting society from those who threaten life, inflict harm, take property, and destroy the bonds of community.**

The protection of society and its members from violence and crime is an essential moral value. Crime, especially violent crime, not only endangers individuals, but robs communities of a sense of well-being and security, and of the ability to protect their members. All people should be able to live in safety. Families must be able to raise their children without fear. Removing dangerous people from society is essential to ensure public safety. And the threat of incarceration does, in fact, deter some crime (e.g., tougher sanctions for drunk drivers along with a public education campaign seem to have dramatically reduced the numbers of intoxicated drivers on our roadways<sup>34</sup>). However, punishment for its own sake is not a Christian response to crime. Punishment must have a purpose. It must be coupled with treatment and, when possible, restitution.

2. **Rejecting simplistic solutions such as "three strikes and you're out" and rigid mandatory sentencing.**

The causes of crime are complex and efforts to fight crime are complicated. One-size-fits-all solutions are often inadequate. Studies and experience show that the combination of accountability and flexibility works best with those who are trying to change their lives. To the extent possible, we should support community-based solutions, especially for non-violent offenders, because a greater emphasis is placed on treatment and restoration for the criminal, and restitution and healing for the victim. We must renew our efforts to ensure that the punishment fits the crime. Therefore, we do not support mandatory sentencing that replaces judges'

assessments with rigid formulations.

We bishops cannot support policies that treat young offenders as though they are adults. The actions of the most violent youth leave us shocked and frightened and therefore they should be removed from society until they are no longer dangerous. But society must never respond to children who have committed crimes as though they are somehow equal to adults—fully formed in conscience and fully aware of their actions. Placing children in adult jails is a sign of failure, not a solution. In many instances, such terrible behavior points to our own negligence in raising children with a respect for life, providing a nurturing and loving environment, or addressing serious mental or emotional illnesses.

3. **Promoting serious efforts toward crime prevention and poverty reduction.**

Socio-economic factors such as extreme poverty, discrimination, and racism are serious contributors to crime. Sadly, racism often shapes American attitudes and policies toward crime and criminal justice. We see it in who is jobless and who is poor, who is a victim of crime and who is in prison, who lacks adequate counsel and who is on death row. We cannot ignore the fact that one-fifth of our preschoolers are growing up in poverty and far too many go to bed hungry. Any comprehensive approach to criminal justice must address these factors, but it should also consider the positive impact of strong, intact families. Parents have a critical and irreplaceable role as primary guardians and guides of their children. One only has to observe how gangs often provide young people with a sense of belonging and hope when grinding poverty and family disintegration have been their only experience. And while it is true that many poor children who are products of dysfunctional families never commit crimes, poverty and family disintegration are significant risk factors for criminal activity. Finally, quality education must be available for all children to prepare them for gainful employment, further education, and responsible citizenship. The failure of our education system in many communities contributes to crime. Fighting poverty, educating children, and supporting families are essential anti-crime strategies.

4. **Challenging the culture of violence and encouraging a culture of life.**

All of us must do more to end violence in the home and to find ways to help victims break out of the pattern of abuse.<sup>35</sup> As bishops, we support measures that control the sale and use of firearms and make them safer (especially efforts that prevent their unsupervised use by children or anyone other than the owner), and we reiterate our call for sensible regulation of handguns.<sup>36</sup>

Likewise, we cannot ignore the underlying cultural values that help to create a violent environment: a denial of right and wrong, education that ignores fundamental values, an abandonment of personal responsibility, an excessive and selfish focus on our individual desires, a diminishing sense of obligation to our children and neighbors, and a misplaced emphasis on acquiring wealth and possessions. And, in particular, the media must be challenged to stop glorifying violence and exploiting sexuality.<sup>37</sup> Media images and information can communicate fear and a distorted perception of crime. We encourage the media to present a more balanced picture, which does not minimize the human dignity of the victim or that of the offender.<sup>38</sup> In short, we often fail to value life and cherish human beings above our desires for possessions, power, and pleasure.<sup>39</sup>

We join Pope John Paul II in renewing our strong and principled opposition to the death penalty. We oppose capital punishment not just for what it does to those guilty of horrible crimes, but for how it affects society; moreover, we have alternative means today to protect society from violent people. As we said in our *Good Friday Appeal to End the Death Penalty*,

Increasing reliance on the death penalty diminishes us and is a sign of growing disrespect for human life. We cannot overcome crime by simply executing criminals, nor can we restore the lives of the innocent by ending the lives of those convicted of their murders. The death penalty offers the tragic illusion that we can defend life by taking life.<sup>40</sup>

5. **Offering 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. Besides the physical wounds some victims suffer, all victims experience emotional scars that may never fully heal. And since a majority of offenders are not apprehended for their crimes, these victims do not even have the satisfaction of knowing that the offender has been held accountable. This lack of closure can increase victims' fears and make healing more difficult.

This vital concern for victims can be misused. Some tactics can fuel hatred, not healing: for example, maximizing punishment for its own sake and advancing punitive policies that contradict the values we hold. But such abuses should not be allowed to turn us away from a genuine response to victims and to their legitimate

and necessary participation in the 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. In this regard, we offer general support for legislation to respond to the needs and the rights of victims, and we urge every state to strengthen victims' advocacy programs.

6. **Encouraging innovative programs of restorative justice that provide the opportunity for mediation between victims and offenders and offer restitution for crimes committed.**

An increasingly widespread and positive development in many communities is often referred to as restorative justice. Restorative justice focuses first on the victim and the community harmed by the crime, rather than on the dominant state-against-the-perpetrator model. This shift in focus affirms the hurt and loss of the victim, as well as the harm and fear of the community, and insists that offenders come to grips with the consequences of their actions. These approaches are not "soft on crime" because they specifically call the offender to face victims and the communities. This experience offers victims a much greater sense of peace and accountability. Offenders who are willing to face the human consequences of their actions are more ready to accept responsibility, make reparations, and rebuild their lives.

Restorative justice also reflects our values and tradition. Our faith calls us to hold people accountable, to forgive, and to heal. Focusing primarily on the legal infraction without a recognition of the human damage does not advance our values.

One possible component of a restorative justice approach is victim-offender mediation. With the help of a skilled facilitator, these programs offer victims or their families the opportunity to share the harm done to their lives and property, and provide a place for the offender to face the victim, admit responsibility, acknowledge harm, and agree to restitution. However, we recognize that victim-offender mediation programs should be a voluntary element of the criminal justice system. Victims should never be required to take part in mediation programs. Sometimes their pain and anger are too deep to attempt such a process.

When victims cannot confront offenders—for example, because it may be too painful or the offender has not been apprehended—they can choose to be part of an "impact panel." Led by professional counselors, these panels bring together victims and offenders who have been involved in similar crimes and can assist the victim's healing, the community's understanding of the crime, and the offender's sense of responsibility.

7. **Insisting that punishment has a constructive and rehabilitative purpose.**

Our criminal justice system should punish offenders and, when necessary, imprison them to protect society. Their incarceration, however, should be about more than punishment. Since nearly all inmates will return to society, prisons must be places where offenders are challenged, encouraged, and rewarded for efforts to change their behaviors and attitudes, and where they learn the skills needed for employment and life in community. We call upon government to redirect the vast amount of public resources away from building more and more prisons and toward better and more effective programs aimed at crime prevention, rehabilitation, education efforts, substance abuse treatment, and programs of probation, parole, and reintegration.

Renewed emphasis should be placed on parole and probation systems as alternatives to incarceration, especially for non-violent offenders. Freeing up prison construction money to bolster these systems should be a top priority. Abandoning the parole system, as some states have done, combined with the absence of a clear commitment to rehabilitation programs within prisons, turns prisons into warehouses where inmates grow old, without hope, their lives wasted.

In addition, the current trend towards locating prisons in remote areas, far away from communities where most crimes are committed, creates tremendous hardships on families of inmates. This problem is particularly acute for inmates convicted of federal offenses and for state prisoners serving their sentences out of state. Families and children may have to travel long distances, often at significant expense, to see their loved ones. Distance from home is also a problem for those in the religious community who seek to provide much-needed pastoral care. Being away from support systems is especially hard on juvenile offenders, who need family and community support. Public safety is not served by locating prisons in remote communities—regular inmate contact with family and friends reduces the likelihood that upon release they will return to a life of crime.

Not all offenders are open to treatment, but all deserve to be challenged and encouraged to turn their lives around. Programs in jails and prisons that offer offenders education, life skills, religious expression, and

recovery from substance abuse greatly reduce recidivism, benefit society, and help the offenders when they reintegrate into the community. These programs need to be made available at correctional institutions regardless of the level of security and be offered, to the extent possible, in the language of prisoners. More effective prevention and treatment programs should also be available in our communities.

We bishops question 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. Regardless of who runs prisons, we oppose the increasing use of isolation units, especially in the absence of due process, and the monitoring and professional assessment of the effects of such confinement on the mental health of inmates.

Finally, we must welcome ex-offenders back into society as full participating members, to the extent feasible, and support their right to vote.

**8. Encouraging Spiritual Healing and Renewal for those who commit crime.**

Prison officials should encourage inmates to seek spiritual formation and to participate in worship. Attempts to limit prisoners' expression of their religious beliefs are not only counterproductive to rehabilitation efforts, but also unconstitutional. As pastors, we will continue to press for expanded access to prisoners through our chaplaincy programs, including by dedicated volunteers. We oppose limitations on the authentic religious expression of prisoners and roadblocks that inhibit prison ministry. The denial of and onerous restrictions on religious presence in prisons are a violation of religious liberty. 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 will help nourish the faith life of inmates and ex-offenders.

**9. Making a serious commitment to confront the pervasive role of addiction and mental illness in crime.**

Far too many people are in prison primarily because of addiction. Locking up addicts without proper treatment and then returning them to the streets perpetuates a cycle of behavior that benefits neither the offender nor society.

Persons suffering from chemical dependency should have access to the treatment that could free them and their families from the slavery of addiction, and free the rest of us from the crimes they commit to support this addiction. This effort will require adequate federal, state, and local resources for prevention and treatment for substance abusers. Not providing these resources now will cost far more in the long run. Substance abusers should not have to be behind bars in order to receive treatment for their addictive behavior.

We need to address the underlying problems that in turn attract drug users into an illegal economy—lack of employment, poverty, inadequate education, family disintegration, lack of purpose and meaning, poor housing, and powerlessness and greed. The sale and use of drugs—whether to make money or to seek an escape—are unacceptable.

At least one third of inmates are jailed for drug-related crimes. Many of them would likely benefit from alternatives to incarceration. "Drug courts"—where substance abusers are diverted from the traditional criminal courts and gain access to serious treatment programs—is one innovation that seems to offer great promise and should be encouraged.

Likewise, crimes are sometimes committed by individuals suffering from serious mental illness. While government has an obligation to protect the community from those who become aggressive or violent because of mental illness, it also has a responsibility to see that the offender receives the proper treatment for his or her illness. Far too often mental illness goes undiagnosed, and many in our prison system would do better in other settings more equipped to handle their particular needs.

**10. Treating immigrants justly.**

As a country, we must welcome newcomers and see them as adding to the richness of our cultural fabric. We acknowledge that the law treats immigrants and citizens differently, but no one should be denied the right to fair judicial proceedings. We urge the federal government to restore basic due process to immigrants (including a repeal of mandatory detention) and allow those seeking asylum a fair hearing. Migrants who cannot be deported because their country of origin will not accept them should not be imprisoned indefinitely. Legal immigrants who have served sentences for their crimes should not be re-penalized and deported, often leaving family members behind. Many of these immigrants have become valuable members of their communities. Likewise, we oppose onerous restrictions on religious expression and pastoral care of detained immigrants and asylum seekers.

under Immigration Naturalization Service (INS) jurisdiction and urge the INS to guarantee access to qualified ministerial personnel.

**11. Placing crime in a community context and building on promising alternatives that empower neighborhoods and towns to restore a sense of security.**

"Community" is not only a place to live; the word also describes the web of relationships and resources that brings us together and helps us cope with our everyday challenges. Fear of crime and violence tears at this web. Some residents of troubled neighborhoods are faced with another kind of community, that of street gangs. These residents feel powerless to take on tough kids in gangs and have little hope that the situation will ever improve.

But there are communities where committed individuals are willing to take risks and bring people together to confront gangs and violence. Often organized by churches—and funded by our Catholic Campaign for Human Development—these community groups partner with local police to identify drug markets, develop specific strategies to deal with current and potential crime problems, and target at-risk youth for early intervention. Bringing together many elements of the community, they can devise strategies to clean up streets and take back their neighborhoods.

One successful community strategy is Boston's Ten Point Coalition, which is credited with reducing juvenile gun deaths, over a several-year period, from epidemic proportions to near zero. This strategy requires a close relationship among religious leaders and law enforcement and court officials, as well as a pervasive presence of people of faith on the streets offering outreach, opportunities for education, and supervised recreation to at-risk youth. The strategy also sends a clear signal that criminal activity in the community will not be tolerated. Similar strategies that model the Boston coalition are now emerging in other cities.

Another community-based strategy to prevent crime is the "broken-window" model. Proponents contend that tolerance of lesser crimes (such as breaking windows of cars and factories) undermines public order and leads to more serious crimes. Stopping crime at the broken-windows stage demonstrates that a low-cost, high-visibility effort can be effective in preventing crime.

Community policing and neighborhood-watch groups have proven to be effective models of crime control and community building, empowering local leaders to solve their own problems. These efforts reflect the Catholic social teaching principles of solidarity, subsidiarity, and the search for the common good.

## **The Church's Mission**

The challenge of curbing crime and reshaping the criminal justice system is not just a matter of public policy, but is also a test of Catholic commitment. In the face of so much violence and crime, our faith calls the Church to responsibility and action. A wide variety of Catholic communities have responded with impressive programs of service and advocacy. In many dioceses, Catholic Charities is reaching out to victims, those in prison and their families, ex-offenders, and others touched by crime and the criminal justice system through counseling, employment and treatment programs, as well as early intervention efforts directed towards families and individuals at risk. Yet more is needed. Our community of faith is called to

**1. Teach right from wrong, respect for life and the law, forgiveness and mercy.**

Our beliefs about the sanctity of human life and dignity must be at the center of our approach to these issues. We respect the humanity and promote the human dignity of both victims and offenders. We believe society must protect its citizens from violence and crime and hold accountable those who break the law. These same principles lead us to advocate for rehabilitation and treatment for offenders, for, like victims, their lives reflect that same dignity. Both victims and perpetrators of crime are children of God.

Even with new visions, ideas, and strategies, we bishops have modest expectations about how well they will work without a moral revolution in our society. Policies and programs, while necessary, cannot substitute for a renewed emphasis on the traditional values of family and community, respect and responsibility, mercy and justice, and teaching right from wrong. God's wisdom, love, and commandments can show us the way to live together, respect ourselves and others, heal victims and offenders, and renew communities. "Thou shalt not kill" and "Thou shalt not steal" are still necessary guidelines for a civil society and imperatives for the common good.

Our Church teaches these values every day in pulpits and parishes, in schools and adult education programs, and through advocacy and witness in the public square. Catholic institutions that offer programs for youth and young adult ministry—including Catholic schools, Catholic Charities, and St. Vincent De Paul agencies—are bulwarks against crime, by providing formation for young people, enrichment and training for parents, counseling and alternatives for troubled children and families, and rehabilitative services for former inmates.

2. **Stand with victims and their families.**

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. **Reach out to offenders and their families, advocate for more treatment, and provide for the pastoral needs of all involved.**

The families of offenders are also in need of our pastoral presence. Seeing a loved one fail to live up to family ideals, community values, and the requirements of the law causes intense pain and loss. The Gospel calls us as people of faith to minister to the families of those imprisoned and especially to the children who lose a parent to incarceration.

We know that faith has a transforming effect on all our lives. Therefore, rehabilitation and restoration must include the spiritual dimension of healing and hope. The Church must stand-ready to help offenders discover the good news of the Gospel and how it can transform their lives. There should be no prisons, jails, or detention centers that do not have a regular and ongoing Catholic ministry and presence. We must ensure that the incarcerated have access to these sacraments. We especially need to commit more of our church resources to support and prepare chaplains, volunteers, and others who try to make the system more just and humane. We are grateful for those who bring the Gospel alive in their ministry to those touched by crime and to those in prison. The Church must also stand ready to help the families of inmates, especially the young children left behind.

One way to help reintegrate offenders into the community is developing parish mentoring programs that begin to help offenders prior to their release and assist them in the difficult transition back to the community. These programs can reduce recidivism and challenge faith communities to live out the Gospel values of forgiveness, reconciliation, and responsibility for all members of the Body of Christ. Mentoring programs provide an environment of support, love, and concrete assistance for ex-offenders while also educating parishioners about Catholic teaching and restorative justice.

Family group counseling programs have been especially effective in redirecting youth who find themselves alienated from their families. Skilled counselors can help families identify their negative patterns in relating to one another and can offer alternate ways of communicating and building stronger families.

4. **Build community.**

Every parish exists within a community. When crime occurs, the whole community feels less safe and secure. Parishes are called to help rebuild their communities. Partnerships among churches, law enforcement, businesses, and neighborhood-watch groups, as well as social service, substance abuse, and mental health agencies, can help address crime in the neighborhood. The parish community can also be instrumental in developing programs for prison and victim ministries. The Catholic Campaign for Human Development supports many creative efforts to prevent crime and rebuild community.

5. **Advocate policies that help reduce violence, protect the innocent, involve the victims, and offer real alternatives to crime.**

As people of faith and as citizens, we are called to become involved in civil society and to advocate for policies that reflect our values. Current approaches to crime, victims, and violence often fall short of the values of our faith. We should resist policies that simply call for more prisons, harsher sentences, and increased reliance on the death penalty. Rather, we should promote policies that put more resources into restoration, education, and substance-abuse treatment programs. We must advocate on behalf of those most vulnerable to crime (the young and the elderly), ensure community safety, and attack the leading contributors to crime, which include the breakdown of family life, poverty, the proliferation of handguns, drug and alcohol addiction, and the pervasive

culture of violence. We should also encourage programs of restorative justice that focus on community healing and personal accountability.

**6. Organize diocesan and state consultations.**

In this statement, we have tried to reflect what was learned through our consultations with those involved in the criminal justice system. More difficult to express were their many eloquent personal experiences of pain and joy, of hope and disappointment, of success and failure. Their experiences and challenges have moved us deeply and have helped us focus on the human dimensions of this enormously complex set of problems. Some of their stories have been included as a part of these reflections.

We encourage diocesan leaders to convene similar processes of engagement and dialogue with those involved in the system: crime victims, former inmates, jail chaplains, judges, police officers, community leaders, prosecutors, families of victims and offenders, and others. Ask them to share their faith, stories, and hopes and fears. Listening can lead to action. This kind of dialogue can encourage parishes to minister to victims and to inmates, to mentor troubled youth, and to help former prisoners rejoin society.

At the state level, we urge similar convenings held under the auspices of state Catholic conferences. These key Catholic public policy organizations can share their message with influential lawmakers and help shape new policies.

**7. Work for new approaches.**

No statement can substitute for the values and voices of Catholics working for reform. We hope these reflections will encourage those who are already working for reform both inside and outside the system. We also hope many others will join with them in efforts to prevent crime, reach out to victims, offer ministry and rehabilitation in our prisons, help to re-integrate ex-offenders, and advocate for new approaches.

Our national bishops' conference will seek to share the message of this statement. Through our Catholic Campaign for Human Development and other programs, we will offer ideas and options, directions and resources, for those willing to take up this challenge.

## **Conclusion**

We Catholic bishops hope that these modest reflections will stimulate a renewed dialogue among Catholics and other people of good will on issues and actions regarding crime and criminal justice. We 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. We suggest that they use these reflections to assess how the system can become less retributive and more restorative. We pray that these words offer some comfort to victims and communities threatened by crime, and challenge all Catholics to become involved in restoring communities to wholeness.

We are guided by the paradoxical Catholic teaching on crime and punishment: We will not tolerate the crime and violence that threatens the lives and dignity of our sisters and brothers, and we will not give up on those who have lost their way. We seek both justice and mercy. Working together, we believe our faith calls us to protect public safety, promote the common good, and restore community. We believe a Catholic ethic of responsibility, rehabilitation, and restoration can become the foundation for the necessary reform of our broken criminal justice system.

### ***Renewing Our Call to End the Death Penalty***

In these reflections, we bishops have focused on how our faith and teaching can offer a distinctive Catholic perspective on crime and punishment, responsibility and rehabilitation. These reflections do not focus on the death penalty as our primary concern. In this context, however, we wish to renew our call for an end to capital punishment.

The administration of the death penalty is often seen as a major sign of some of the failings within the American criminal justice system. Capital punishment is cruel, unnecessary, and arbitrary; it often has racial overtones;<sup>1</sup> and it fails to live up to our deep conviction that all human life is sacred: "Our witness to respect for life shines most brightly when we demand respect for each and every human life, including the lives of those who fail to show that respect for others. The antidote to violence is love, not more violence."<sup>2</sup>

In this call we add our voices to the prophetic witness of Pope John Paul II—who, when he last came to 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. We join our appeal to the position of the universal Church. The promulgated text of the *Catechism of the Catholic Church* declares,

If, however, non-lethal means are sufficient to defend and protect people's safety from the aggressor, authority will limit itself to such means, as these are more in conformity with the dignity of the human person. (no. 2267) And we join with those who are working to end the death penalty—in their witness at prisons as people are executed, in state capitals across our land, in courtrooms and prisons around the nation, and in Congress, where efforts to abolish or limit the death penalty are being debated. We support calls for a moratorium on executions and welcome the courage of leaders who have implemented or are working to address the clear failings of the death penalty.

We know this is not an easy matter. Catholic teaching has developed over time and there have been diverse views on the application of these principles. However, as we begin this new millennium, Pope John Paul II, the U.S. Catholic bishops, and the *Catechism of the Catholic Church*<sup>3</sup> together express the strong conviction that capital punishment should no longer be used since there are better ways to protect society, and the death penalty diminishes respect for human life.

We are encouraged by small but growing signs that support for the death penalty is eroding and that capital punishment is being reconsidered. People are asking if we are really safer in states where executions are so regular that they hardly rate news coverage. People are asking whether we can be sure that those who are executed are truly guilty, given the evidence of wrongful convictions and poor representation in death penalty cases. We welcome legislation to address these issues as a way to focus on the unfairness of the death penalty. But most of all, we are asking whether we can teach that killing is



wrong by killing those who have been convicted of killing others. It is time to abandon the death penalty—not just because of what it does to those who are executed, but because of how it diminishes all of us.

We cannot overcome what Pope John Paul II called a "culture of death," we cannot reverse what we have called a "culture of violence," and we cannot build a "culture of life" by state-sanctioned killing. As we said before and renew today:

We cannot overcome crime by simply executing criminals, nor can we restore the lives of the innocent by ending the lives of those convicted of their murders. The death penalty offers the tragic illusion that we can defend life by taking life.<sup>4</sup> We ask all Catholics—pastors, catechists, educators, and parishioners—to join us in rethinking this difficult issue and committing ourselves to pursuing justice without vengeance. With our Holy Father, we seek to build a society so committed to human life that it will not sanction the killing of any human person.

#### Notes

1. Though holding only one-half of 1 percent of death row inmates, the federal government recently concluded a study of its nineteen people on death row. The conclusion is that despite serious efforts to ensure fairness in seeking the death penalty for defendants convicted of federally eligible crimes, fourteen of the inmates are African American, five are Caucasian, and one is Hispanic (U.S. Department of Justice, *Survey of the Federal Death Penalty System: 1988-2000* [Washington, D.C., 2000]).
2. U.S. Catholic Bishops, *Living the Gospel of Life: A Challenge to American Catholics* (Washington, D.C., 1998), 15.
3. For the complete text on the treatment of the death penalty, see *Catechism of the Catholic Church*, 2nd. ed. (Washington, D.C.: United States Conference of Catholic Bishops, 2000), nos. 2263-2267, see also, no. 32.
4. Administrative Board, United States Conference of Catholic Bishops, *A Good Friday Appeal to End the Death Penalty* (Washington, D.C.: United States Conference of Catholic Bishops, 1999), 3.

## Appendix

### Suggestions for Action

The Catholic community has a tremendous history and capacity to help shape the issues of crime and criminal justice in the United States. Few organizations do more to prevent crime or heal its effects than the Catholic Church. Through many committed individual Catholics, prison ministry programs, parish outreach efforts, Catholic schools, diocesan peace and justice offices, community organizing projects, ex-offender reintegration programs, family counseling, drug and alcohol recovery programs, and charitable services to low-income people, the Catholic community responds to criminal justice concerns in a wide variety of ways. But we can do more.

This list of suggestions and resources is by no means exhaustive. Rather, it is intended to give individual Catholics, parishes, and dioceses some directions about programs and policies that reflect Catholic principles and values as we work together to implement this statement.

## **Teach Right from Wrong, Respect for Life, Forgiveness and Mercy**

Parish priests, Catholic educators, and a wide variety of other efforts assist parents in teaching children right from wrong, respect for life, and forgiveness and mercy. Catholics also can have an impact in their own families and communities, when they teach by example and demonstrate these values by their actions.

Respect for human life—the cornerstone of Catholic social teaching—is a key to our work in criminal justice because we believe that the current culture of violence contributes to crime. We bishops urge Catholics to work against the violence of abortion, euthanasia, and assisted suicide. We call for renewed efforts to abolish the death penalty. In addition, Catholics must work to ensure that everyone has access to those things that enhance life and dignity: decent housing, a job with a living wage, and health care. Catholics can

- Promote a culture of life, alternatives to abortion by supporting adoption, foster care, and homes for unwed mothers
- Read the U.S. Catholic Bishops statement, *Renewing the Mind of the Media: A Statement on Overcoming Exploitation of Sex and Violence in Communications*, which offers ways for Catholics to help curtail the use of violent and sexual content on radio and television and in print media and movies.
- Support local programs that offer young people character-building opportunities and divert their energy to positive endeavors: athletics, Scouting, Church-sponsored after-school and evening social programs, and tutoring and literacy programs.
- Encourage schools, churches, and neighborhood centers to teach conflict resolution, especially to children, as a way to reduce tension and violence.
- Work to ensure that jobs, affordable housing, and accessibility to health services are available in your community.
- Oppose attempts to impose or expand the death penalty in your state. In states that sanction the death penalty, join organizations that work to curtail its use (e.g., prohibit the execution of teenagers or the mentally ill) and those that call for its abolition.
- Invite parish discussions for collaborative responses to the death penalty—such as public prayer vigils, tolling of church bells, penitential practices—when an execution is scheduled.

## **Stand With Victims and Their Families**

The Church's witness to victims and their families must be more focused and comprehensive. We must see victims as people with many needs, not just those satisfied by the criminal justice system. The government's role is to ensure that the offender is punished, that reparations are made and that the community feels safe, but victims have spiritual, physical and emotional needs that are often best met by family, friends, neighbors and the community of faith. The Church should pursue policies and programs that respond to all the needs of victims of crime, just as we do to victims of natural disasters. To support victims, Catholics can

- Learn more about the types of programs that are available for victims at the local level. For example, many states offer reparations for victims of violence, and some local churches have developed effective victim ministry programs. Catholic parishes can work to discover the gaps in meeting victims' needs and explore ways to fill those gaps.
- Support local programs that work to train people for victim ministry. Where these programs don't exist, join with other churches, civic, and community groups to form networks of people ready to respond to the material, emotional, and spiritual needs of victims.
- Promote victim ministry programs at the parish level with the goal of having a consistent and comprehensive presence to those affected by crime. Parishioners can bring meals, secure broken windows and doors, and offer emotional support to victims of break-ins or violent encounters. Pastoral ministers should become familiar with services available through Catholic Charities and other counseling agencies and victims' programs and help connect victims with these services.

## **Reach Out to Offenders and Their Families**

Just as victims of crime have a variety of needs, so do offenders and their families, especially the children of offenders. The Church should not only have a strong presence in prisons and jails—where we Catholics work to meet the spiritual and emotional needs of inmates—but should make special efforts to assist children left without the support of their incarcerated parent. Catholics can

- Promote prison ministry programs at the diocesan and parish levels. We affirm the dedicated deacons and priests who carry forward this mission. We welcome lay ministers—both volunteer and professional—who are indispensable to this ministry.
- Reach out to the families of inmates. Parishes can mentor families caught up in the cycle of crime, assist with transportation for prison visitations, offer material assistance when income is lost because of the incarceration, and provide counseling (often through Catholic Charities agencies).
- Promote prisoner re-entry programs. Often the most difficult time for a former inmate is trying to reintegrate into his or her community. Some parishes have made available church property for transition houses while others assist in providing the spiritual, material, and emotional assistance that the probation and parole system rarely provides.

### **Build Community**

Catholics believe that life in community enables all people to be fully human. We value strong, intact families and healthy neighborhoods. Crime, especially violent crime, often destroys families and communities and can make everyone feel less safe or secure. Catholics are encouraged to promote all of those things that support family life and lift up the community. Catholics can

- Promote the variety of efforts in our neighborhoods that encourage active participation in the life of the community. Neighborhood watch groups, community-oriented policing, and partnerships between law enforcement and the local faith community are all part of the web of relationships that create safe and secure communities.
- Promote the work of the Catholic Campaign for Human Development in your local diocese by giving generously to the annual collection. Grants from the collection are given back to communities to support organizing projects which bring people together to work on community needs, including crime and criminal justice.
- Support programs in your community that engage youth and build their self-esteem. Become a Big Brother or Big Sister, mentor children at risk, and support school or community center programs that offer diversions for children between the hours of 3:00 and 8:00 p.m. when parental supervision is often inadequate.
- Discover new ways of dealing with offenders. Models such as Boston's "Ten-Point Coalition" can be replicated in many communities. These programs encourage partnerships between local churches and police and divert troubled teens from a life of crime to becoming productive citizens.

### **Advocate Policies That Offer Real Alternatives to Crime**

Charitable works go a long way toward solving some of the problems of crime and victimization. Yet efforts to change policies and enhance programs that affect the treatment of victims and offenders, and those that help restore communities affected by crime are also essential to a new approach to crime and criminal justice. We Catholics must bring our beliefs and values to the attention of those in positions to influence policy.

State Catholic conferences, diocesan offices (e.g., pro-life, education, and social concerns), and parish legislative advocacy networks can help individual Catholics to support public policies that reflect our values. Catholics can

- Learn about federal, state, and local policies that affect how criminal justice is administered.
- Join diocesan legislative networks to ensure that the Catholic voice is heard on crime and criminal justice issues. If your diocese does not have a legislative network, call your state Catholic conference or visit the website for the U.S. bishops' Office of Domestic Policy at <http://www.usccb.org/about/domestic-social-development/> for actions you can take at the national level.
- Talk to prosecutors, judges, chiefs of police, and others involved in the criminal justice system and seek their views on how the system can better reflect our values and priorities.

### **Organize Diocesan Consultations**

A primary role for the Church is to gather people of different viewpoints and help them to reach common ground. Out of this dialogue can come greater appreciation for diverse perspectives, credibility for the Church's involvement in the issues, and ultimately a change of heart and mind by those who can impact the criminal justice system so that it more fully reflects gospel values.

- We bishops encourage dioceses to invite jail and prison chaplains, victims of crime, corrections officers, judges, wardens, former inmates, police, parole and probation officers, substance abuse and family counselors, community leaders and others to listening sessions. The purpose of these sessions would be to gain a better appreciation of all the parties affected by crime and involved in the criminal justice system, to seek common ground on local approaches to crime, to collaborate more easily in areas of mutual concern, and to build community among all these people of goodwill who are trying to make society safer and life more complete.

- State Catholic conferences may convene policy makers, ministers, and other interested parties at the state level and engage in a similar process of listening, learning, and planning in an effort to make the criminal justice system more reflective of justice and mercy, responsibility and rehabilitation, restoration and wholeness.

## Notes

1. From an interview with the Chief of Chaplains, Federal Bureau of Prisons, Chaplaincy Office (1999).
2. Federal Bureau of Investigation, *Uniform Crime Reporting 1999 Preliminary Annual Report* (Washington, D.C., May 1999).
3. U.S. Department of Justice, Bureau of Justice Statistics, *Crime Victimization 1998*, BJS Publication no. 176353 (Washington, D.C.).
4. U.S. Department of Justice, Bureau of Justice Statistics, *Homicide Trends in the U.S. by Age, Gender and Race* (Washington, D.C., 1997).
5. U.S. Department of Justice, Bureau of Justice Statistics, *Incarcerated Parents and Their Children*, BJS Publication no. 182335 (Washington, D.C., 2000).
6. Among the concerns of victims are their desires to be notified of and heard at detention hearings, to seek restitution, and to be notified of escape, among others.
7. The Association of Certified Fraud Examiners, *Report to the Nation on Occupational Fraud and Abuse* <<http://www.cfenet.com/newsandfacts/fraudfacts/reporttothenation/index.shtml>> (2000).
8. Andre Kuhn, "Prison Populations in Western Europe," in *Overcrowded Times—A Comparative Perspective*, ed. Michael Tonry and K. Hatlestad (New York: Oxford University Press, 1997).
9. Kuhn, "Sanctions and their Severity," in *Crime and Criminal Justice Systems in Europe and North America 1900-1994*, ed. K. Kangasunta, M. Joutsen, and N. Ollus (Helsinki, Finland: European Institute for Crime Prevention and Control [HEUNI], 1998).
10. Amnesty International, *United States of America: Rights for All* (London, 1998), 73.
11. For example, according to *The California Budget Project*, California state expenditures on corrections grew sixfold between 1980 and 1999, while expenditures for education increased only 218 percent over the same period. California now ranks forty-first among the states in education dollars per pupil ("Dollars and Democracy: An Advocate's Guide to the California State Budget Process" [Sacramento, Calif., March 1999]).
12. The bishops of Appalachia recognized this trend in the statement *At Home in the Web of Life*, noting that in their region "unemployed people [are] available as cheap labor to guard the countless imprisoned people, themselves cast off. . . ."
13. U.S. Department of Justice, Bureau of Justice Statistics, *Prison and Jail Inmates, 1999*, NCJ no. 183476 (Washington, D.C., 2000).
14. U.S. Department of Justice, Bureau of Justice Statistics, *Correctional Populations in the United States* (Washington, D.C., 1998).
15. U.S. Department of Justice, Bureau of Justice Statistics, *Prison and Jail Inmates, 1999*, NCJ no. 183476 (Washington, D.C., 2000).
16. Cf. Ronald H. Weich and Carlos T. Angulo, *Justice on Trial: Racial Disparities in the American Criminal Justice System*, Leadership Conference on Civil Rights and Leadership Conference Education Fund (April 2000); and The National Council on Crime and Delinquency, *And Justice for Some* (April 2000).
17. U.S. Department of Justice, Bureau of Justice Statistics, *Substance Abuse and Treatment, State and Federal Prisoners, 1997* (Washington, D.C., 1999).
18. U.S. Department of Justice, Bureau of Justice Statistics, *Mental Health and Treatment of Inmates and Probationers* (Washington, D.C., 1999).
19. This figure is derived by comparing corrections figures published by the U.S. Department of Justice for 1980 and 1999.
20. These laws are included in the Illegal Immigration Reform and Immigration Responsibility Act of 1996.
21. F. Cullen and P. Gendreau, "The Effectiveness of Correctional Rehabilitation: Reconsidering the 'Nothing Works' Debate," in *American Prisons: Issues in Research and Policy*, ed. L. Goodstein and D. MacKenzie (New York: Plenum, 1989), pp. 23-44; and Robert Martinson, "What Works?—Questions and Answers about Prison Reform," *The Public Interest* (Spring 1974): 22-54.
22. National Institute of Justice, *1998 Annual Report on Drug Use Among Adult and Juvenile Arrestees* (Washington, D.C., 1999).
23. The four recent national studies that included thousands of subjects are (1) the Treatment Outcomes Prospective Study (TOPS), (2) the Drug Abuse Treatment Outcome Study (DATOS), (3) the Services Research Outcomes Study (SROS), and (4) the National Treatment Improvement Evaluation Study (NTIES). Each of the studies found strong evidence of effectiveness. For example, TOPS found that drug treatment resulted in a 60 percent reduction in weekly heroin use and a 27 percent reduction in predatory crime one year after treatment

- (R. L. Hubbard, et al., *Drug Abuse Treatment: A National Study of Effectiveness*[Chapel Hill, N.C., 1989], no. 2140). DATOS found a 69 percent reduction in the number of weekly heroin users twelve months after treatment and found that the probability of being in jail for a person in outpatient drug programs dropped from 69 percent in the year before treatment to 25 percent in the year after treatment (Hubbard, et al., an overview of the one-year follow-up in the "Drug Abuse Treatment Outcome Study" in *Psychology of Addictive Behaviors* [1997], no. 2139). SROS found a 21 percent overall reduction in the use of any illicit drug following treatment (Office of Applied Studies, *Services Research Outcome Study* [Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, 1998], no. 2144). NTIES found that 50 percent of clients used crack in the year before treatment compared to 25 percent during the year after treatment and pinpointed the following decreases in criminal activity: 78 percent decrease in selling drugs, 82 percent in shoplifting, and 78 percent in beating someone up (D. R. Gerstein, et al., *The National Treatment Evaluation Study: Final Report* [Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, 1997], no. 2138).
24. One study found that the societal costs associated with crime and lost productivity were reduced by \$7.46 as a result of every dollar spent on treatment. In contrast, these costs were reduced by \$0.15 for every dollar spent on crop eradication programs in other countries, by \$0.32 for every dollar spent on interdiction through cocaine and drug-related assets seizures, and by \$0.52 for every dollar spent on domestic law enforcement and incarceration (C. P. Rydell and S. S. Everingham, *Controlling Cocaine: Supply Versus Demand Programs* [Santa Monica, Calif.: RAND Corporation, 1994], no. 2134).
  25. RAND Corporation (1998), no. 2135.
  26. Don Andrews, Craig Dowden, and Paul Gendreau, "Psychologically Informed Treatment: Clinically Relevant and Psychologically Informed Approaches to Reduced Re-Offending: A Meta-Analytic Study of Human Service, Risk, Need, Responsivity and Other Concerns in Justice Contexts" (1999).
  27. Byron R. Johnson, David B. Larson, Timothy G. Pitts, "Religious programs, institutional adjustment, and recidivism among former inmates in prison fellowship programs," *Justice Quarterly* 14:1 (March 1997).
  28. Thomas O'Connor and Crystal Parikh, "Best Practices for Ethics and Religion in Community Corrections," *The ICCA Journal on Community Corrections* 8:4 (1998): 26-32; and A. Skotnicki, "Religion and the Development of the American Penal System," doctoral dissertation (Graduate Theological Union, 1992). In these articles, the authors highlight the traditions of the Puritans and the Quakers and their contributions to our modern penal system.
  29. John Paul II, *Message of His Holiness John Paul II for the Jubilee in Prisons*(Vatican City, June 24, 2000).
  30. Cf. the thoughts of Pope John Paul II, *The Gospel of Life (Evangelium Vitae)*, no. 56: "The problem [of the death penalty] must be viewed in the context of a system of penal justice ever more in line with human dignity and thus, in the end, with God's plan for man and society."
  31. Wisconsin's Roman Catholic Bishops, *Public Safety, the Common Good, and the Church: A Statement on Crime and Punishment in Wisconsin* (September 1999). The complete text of this statement is published in *Origins* 29:17 (October 7, 1999): 261-266.
  32. *Catechism of the Catholic Church*, 2nd edition (Washington, D.C.: United States Conference of Catholic Bishops, 2000). Here are relevant passages:

Legitimate defense can be not only a right but a grave duty for one who is responsible for the lives of others. The defense of the common good requires that an unjust aggressor be rendered unable to cause harm. (no. 2265)

The efforts of the state to curb the spread of behavior harmful to people's rights and to the basic rules of civil society correspond to *the requirement of safeguarding the common good*. Legitimate public authority has the right and the duty to inflict punishment proportionate to the gravity of the offense. *Punishment has the primary aim of redressing the disorder introduced by the offense*. When it is willingly accepted by the guilty party, it assumes the value of expiation. *Punishment then, in addition to defending public order and protecting people's safety, has a medicinal purpose: as far as possible, it must contribute to the correction of the guilty party*. (no. 2266; emphasis added)

Assuming that the guilty party's identity and responsibility have been fully determined, the traditional teaching of the Church does not exclude recourse to the death penalty, if this is the only possible way of effectively defending human lives against an unjust aggressor.

If, however, non-lethal means are sufficient to defend and protect people's safety from the aggressor, authority will limit itself to such means, as these are more in conformity with the dignity of the human person.

Today, in fact, as a consequence of the possibilities which the state has for effectively preventing crime, by rendering one who has committed an offense incapable of doing harm—without definitively taking away from

- him the possibility of redeeming himself—the cases in which the execution of the offender is an absolute necessity "are very rare, if not practically nonexistent." (no. 2267)
33. John Paul II, *Sollicitudo Rei Socialis* (Washington, D.C.: United States Conference of Catholic Bishops, 1987), no. 38.
  34. U.S. Department of Justice, Bureau of Justice Statistics, *Alcohol and Crime: An Analysis of National Data on the Prevalence of Alcohol Involvement in Crime* (Washington, D.C., 1998).
  35. Cf. Committee on Marriage and Family and the Committee on Women in Society and in the Church, United States Conference of Catholic Bishops, *When I Call for Help: A Pastoral Response to Domestic Violence Against Women* (Washington, D.C.: United States Conference of Catholic Bishops, 1992).
  36. However, we believe that in the long run and with few exceptions (i.e., police officers, military use), handguns should be eliminated from our society. "Furthermore, the widespread use of handguns and automatic weapons in connection with drug commerce reinforces our repeated 'call for effective and courageous action to control handguns, leading to their eventual elimination from our society.'" U.S. Catholic Bishops, *New Slavery, New Freedom: A Pastoral Message on Substance Abuse* (Washington, D.C.: United States Conference of Catholic Bishops, 1990), 10.
  37. Cf. U.S. Catholic Bishops, *Renewing the Mind of the Media: A Statement on Overcoming Exploitation of Sex and Violence in Communication* (Washington, D.C.: United States Conference of Catholic Bishops, 1998).
  38. A recent study of issues covered on the evening news by selected major television stations found that murder stories rose over 300 percent, from 80 in 1990 to 375 in 1995, while actual murder rates in that period declined 13 percent. See Marc Mauer, *Race to Incarcerate* (New York: New Press, 1999), 172.
  39. U.S. Catholic Bishops, *Confronting a Culture of Violence: A Catholic Framework for Action* (Washington, D.C.: United States Conference of Catholic Bishops, 1994).
  40. Administrative Board, United States Conference of Catholic Bishops, *A Good Friday Appeal to End the Death Penalty* (Washington, D.C.: United States Conference of Catholic Bishops, 1999), 3.

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