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### Crime, Restoration, and the Church

By Board of Directors

Missouri Catholic Conference

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Twenty years ago in our *Joint Statement on Corrections*, we urged the creation of "a new corrections system in Missouri." The two decades have resulted in a larger system, but not necessarily a better reflection of our ideals. As we enter a new century, we want to reiterate these ideals.

Pope John Paul II has declared July 9, 2000 as "Jubilee Day for Prisoners" and invited all bishops to join him in visiting the imprisoned. The Jubilee Year calls us all to reassess the corrections system and our own practice of *all* of the corporal works of mercy—including Christ's invitation to "visit the imprisoned."

#### The Reality of Crime

Crime is a stark, sometimes brutal reminder that the world is imperfect. When individuals violate the rights of others, they do tremendous harm to their victims and to the entire society. Sometimes punishment is also imperfect. Since the Supreme Court reinstated the death penalty in 1976, over 80 persons who were on death row have been found to be innocent and released.<sup>1</sup>

As spiritual leaders, we feel called to address the issues of crime and punishment in light of current circumstances. We do so, aware of the many difficulties and challenges facing all involved: victims and their families, the accused who cannot afford tools to assure justice, the imprisoned, and prison officers.

#### The Reality in Missouri

Although statistics show that crime, especially violent crime, is on the decline, the prisons are bulging at the seams. Missouri is spending \$449 million for prison construction and renovation—in addition to an annual maintenance of \$495 million<sup>2</sup>. In 1993, Missouri Department of Corrections (DOC) had an inmate population of 15,402. By September 1998, it was 24,976. Projections for June 2009 are 37,666.<sup>3</sup>

The Missouri Sentencing Advisory Commission (MSAC) found that Missouri's judges were sentencing offenders to prison in excess of national norms. In 1992 Missouri inmates served longer sentences than those of any other state. MSAC created sentencing guidelines that include alternatives such as drug treatment programs, "boot camp," and supervision with restitution. We applaud the court systems that use them wisely and consistently whenever possible.<sup>4</sup>

Are the incarcerated all convicted of **violent** crimes? Over half (52.5 percent in 1998) of the DOC inmates were convicted of **non-violent** crimes, sentenced to an average of over four years. The most common new court commitment offenses to DOC for 1997 were possession of a controlled substance and stealing over \$150. We join many Missourians who question

whether we can continue to use human and financial resources to send so many nonviolent offenders to prison.

### **A Christian Response**

The Good News revealed in Jesus Christ is that God loves each one of us, no matter how sinful we are. In fact, the Gospels show Jesus taking the side of the poor and the alienated, including notorious sinners (cf. Lk 7:36-50, Lk 19:1-10, Jn 8:1-11).

Jesus refused to judge or to condemn men and women whom the religious community of his day rigorously excluded. He genuinely accepted these people, even prior to any reform on their part. His freely offered love enabled them to lay aside meaningless lives and provided the opportunity—should they be willing to accept it—for personal rehabilitation and reform. He encouraged them to "Go and sin no more."

The entire Biblical tradition shows us a just God whose overriding concern is love. This love of God is not reserved for a few. It is for all. We are to look on sinners (including ourselves) with the compassion of God, to forgive others as God forgives us (Mt 18:21-35, Mt 6:12, Eph 4:32).

### **Does "Corrections" Really Correct?**

The root of the word "penitentiary" is penitent. The founding idea of the penal institution was to help inmates become penitential about their illicit behavior. It is appropriate, therefore, to ask if our current approach to crime fosters the work of grace in the individual wrongdoer.

The fact that 20 percent of those who are released in Missouri will end up back in prison suggests, however, that prisoners are *not* learning what they need in order to live lawfully once they are freed. Is prison time the best approach for all offenders?

The RAND organization found that drug treatment reduces serious crime about fifteen times more than mandatory minimum sentencing.<sup>5</sup> Research like this raises the question for the public and for lawmakers alike: Is a policy that allocates so many resources to locking up people without reforming them good stewardship that furthers the common good? We think the answer is no.

It would be inappropriate to blame the Department of Corrections for this situation. All of us share responsibility for tolerating the current system and we also all share responsibility for improving it. As Church, we turn to some basic means to restore right relationships in the community.

### **Restoring Broken Relationships**

For years our society has emphasized Retributive Justice which allocates punishment for breaking laws. Restorative Justice, on the other hand, views crime as a violation of relationships and views justice as a process that involves offenders, victims, and communities in an effort to repair the harm caused by the crime.

No broken relationship can be restored by just one party. Both those who have broken the trust and those who have been wounded have a role in the process. In the Biblical account of the Prodigal Son, the necessary first step is the Son's recognition that his actions and choices have diminished his potential and wounded his family. When he returns home, he faces his father who welcomes him, rejoicing at his change of heart. At the same time, he meets his brother who resents the warm welcome. Despite the father's generosity, the wounds are not

totally healed.

Reconciliation and restoration need both sides. Those rightly convicted of crimes need to accept responsibility for what they have done and acknowledge that their crimes have consequences for others. Victims' needs must be met; but victims and other law-abiding citizens ultimately need to set aside their pain and righteousness in favor of making the community whole again. The community must do its part to work with the needs of both offenders and victims to restore trust and safety to the community.<sup>6</sup>

### **Guiding Principles**

From this foundation, we offer principles to guide personal and public policy responses to crime. These principles can help determine whether responses are indeed Christian.

#### ***Corrections policies must convey respect for the human person.***

Responses to crime must recognize the inherent dignity of all persons — the offenders as well as victims and their loved ones.

#### ***Policies must serve the common good.***

They need to consider the interests of not only one group, but all—offenders, law enforcement, victims, and taxpayers.

#### ***Corrections policies must recognize the specific circumstances of the poor and marginalized.***

The human dignity of the poor and marginalized is often at risk within the criminal justice system. Many times justice is not as accessible to victims and offenders who are poor as it is to those of more affluent means. Policies must also be assessed in light of their impact on racial minorities, who are disproportionately represented in the corrections system.

#### ***Policies, even those that enforce strict punishment, must serve the end of restoration.***

Nearly all prisoners sentenced for crimes will return to the community some day (over 97 percent in Missouri). Policies must be assessed in terms of their capacity to assure that offenders will live a productive and peaceful life in the community to which they return.

#### ***Policies must foster the principle of solidarity among all in the community.***

They should serve to reunite the offender with the community and supportive institutions of family, church and neighborhood. They should also foster healing of crime victims so that they too can be restored to the community and feel free to move about in it.<sup>7</sup>

### **Applying the Principles**

Without relieving any one of us of our responsibility, we want to address specific suggestions to leaders, those who help shape public opinion, and to Catholic citizens of our state.

#### ***Public Officials:***

We call on elected officials to serve the common good by allocating more resources to prevent crime, provide rehabilitation to prisoners, and adequate supervision of those on probation and parole. We urge support for prison programs and policies that support mental health, adequate medical care, literacy, employment training, anger management, drug and alcohol counseling. We would urge that these programs be provided early in the person's incarceration to begin the rehabilitation process as soon as possible.

We also urge public officials to avoid using "get tough" campaign rhetoric to win elections. While these statements may appeal to the public emotion, they may not reflect sound criminal justice policies that effectively reduce crime in our communities.

***Corrections Staff:***

Corrections employees work under difficult conditions. While we encourage them to treat each person with dignity and respect, we also encourage the state of Missouri to provide just pay, thorough training and safe working conditions.

***Court System:***

We encourage judges to follow the sentencing guidelines developed for Missouri and to use restorative justice practices and alternatives to prison where appropriate.

***Probation and Parole:***

Probation and parole are effective tools in balancing punishment, rehabilitation and public safety. We encourage policies that allow for the early parole of rehabilitated offenders thus ending needless incarceration.

***The News Media:***

We encourage the news media to provide a more balanced coverage to crime and our criminal justice system. Constant and sensational reporting about crime can distort public perceptions when not balanced with reports of positive rehabilitation stories and successful criminal justice policies.

***Catholic Citizens of Missouri:***

We call on Catholics to extend love and forgiveness, even when it is difficult. We ask Catholic leaders to articulate the Church's strong opposition to the death penalty and other social teachings that illuminate our responsibilities in this area. We ask clergy to make sacraments available regularly to inmates in prisons and jails.

Catholic individuals, parish communities, and diocesan organizations should assess their outreach and service to victims, to prisoners, to prisoners' families and to the correctional officers who maintain peace in our state prisons and city/county jails. We especially encourage visits to prisoners—a corporal work of mercy. Catholics can also open their hearts and minds so that those released from prison and jail find a more charitable welcome and opportunity to make a fresh start. This means providing ex-offenders with access to housing and jobs, even in our own neighborhoods and communities.

**Conclusion**

As members of the body of Christ, we are called in our communities to reach out to both victims and offenders. For it is only through reconciliation and healing that our communities will become whole and safe. It is in such an environment that justice and the common good will be served.

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1. The Death Penalty Information Center
  2. Department of Corrections Budget, FY 1999
  3. Missouri Department of Corrections, handout
  4. MSAC, User's Manual, Jan. 23, 1997
  5. "Mandatory Minimum Drug Sentences: Throwing Away the Key or the Taxpayers

Money?"

6. RAND Corporation Distribution Services, Santa Monica, CA 1997.6. "Public Safety, the Common Good and the Church," Wisconsin Bishops, 1999.
7. Ibid.

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