

CRIME AND CRIMINAL JUSTICE:

A Study Document by the Commission on Religion and Public Policy
Incorporating Policy Statements by Kentucky Council of Churches

PREFACE

The purpose of the Kentucky Council of Churches' Policy Statement on Crime and Criminal Justice is three-fold: (a) to educate; (b) to advocate; and (c) to dialogue. In addition to serving as the support and rationale for legislative advocacy done by the Kentucky Council of Churches, the paper can be used as a study document by churches, or groups working with churches around criminal justice issues. The paper can be used, also, to initiate dialogue between the religious and secular sectors of our society as to how justice is understood, legislated, and insured.

The statement's premise is theological: that a Judeo-Christian view of humanity calls for individual rights and the responsibility of human beings toward one another through interdependent communities of mutual respect.

The Kentucky Council of Churches recognizes that other issues relative to crime and the criminal justice system remain. The following policies reflect our best judgment, yet require further dialogue. Let us move beyond that dialogue to advocacy, while inviting further discussion. Such a process can hasten reform and renovation of the criminal justice system.

America faces intriguing and troubling challenges as it seeks to set directions for its future. Crime and criminal justice represent areas of increasing concern. In its practice, criminal justice reflects the values and goals of society, the ethical climate of helping institutions and the nature of community and civic life.

The criminal justice system becomes "news" when we read about a standing trial or when we see carnage in the wake of a prison riot. Many follow legislative debates about funding for new jails and prisons. People often think of criminal justice only as crime statistics, sentences handed out by courts, or the latest police raid. Occasionally, our attention focuses on the victims-of crime.

The criminal justice system is usually left in the hands of professionals lawyers, judges, the police, wardens, social workers, probation and parole officers. These professionals do not believe that they alone can address concerns in the criminal justice system. They seek citizen involvement. The various institutions of the system stand in need of support and criticism by the general public. Truly, justice is everybody's business.

The policy statements incorporated into this document are indented and double-spaced; all other material is commentary.

THE ROLE OF THE CHURCHES

The churches seek with others to awaken awareness and understanding among their members and the general public to promote an equitable and stable system of justice. Churches speak to the criminal justice system because their members provide the human dimension involved in it: criminals, victims, professionals, and public officials. We express concern for all citizens and the way the system works and touches on the larger goals and values of society.

While we claim to have no final answers to the complex questions facing the criminal justice system, two basic biblical values will guide our dialogue and actions: justice and redemption. Recognizing that many persons will not affirm these values, we contend that they are crucial to our definition of community and the formation of societal values, goals, and policies. Through dialogue with others, we will seek to construct answers to the specific questions within the criminal justice system (see APPENDIX at end of paper). We will evaluate the success of that endeavor by the interactive values of justice and redemption.

Justice: Throughout Scripture the concepts of justice and righteousness are often interchangeable. Based on God's acts of deliverance, justice most often describes God's concern for the weak, vulnerable, and oppressed, as well as the corresponding ethical demands placed on the people of God. God acts in history to insure the worth, dignity, freedom, equality, and rights of each person. The criminal justice system must reflect God's concern for justice.

Redemption: Complementing this concept of justice, redemption describes God's mercy in making that which is broken whole again. Central to our understanding of the person and work of Christ is God's transforming power: (a) restoring all persons to health and wholeness; (b) actualizing the God-given potential of every person; (c) reconciling broken relationships among persons; and (d) creating a social order based on compassion. Even the wrath of God intends redemption, not destruction and punishment alone. A criminal justice system must include the possibility of redemption as its end for the victim, the offender, and society.

We intend to participate in fashioning a system which promotes the well-being of the whole community by building on the values of justice and redemption.

SPECIFIC AREAS OF CONCERN

The Kentucky Council of Churches encourages the building of alliances to respond to issues and problems in the criminal justice system such as:

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| I. Criminal Law | VII. Law Enforcement |
| II. The Courts | VIII. Aid to Victims |
| III. Crime and Criminology | IX. Juvenile Justice |
| IV. Penology and Corrections | X. Professional Responsibilities |
| V. Parole | XI. The Role of the Media |
| VI. Legal Services for the Disadvantaged | |

The Council urges its constituent members to consider, study, and act upon these and related issues. Specifically, the churches of the Commonwealth are encouraged to provide training to clergy and laypeople for ministry with those who are impacted by crime and the criminal justice system.

DESCRIPTIVE STATEMENTS AND POLICIES ABOUT THE CRIMINAL JUSTICE SYSTEM

I. CRIMINAL LAW

Movements to unify criminal justice codes should uphold the values of consistency, fairness, and justice.

Policy:

The Kentucky Council of Churches calls on the Kentucky General Assembly, the courts, and all involved in the criminal justice system to propose, enact, and implement uniform codes consistent with the general interests of our society. These should take into account the special needs of society's weaker members and the full panorama of human rights so as to serve the compatible interests of all in building a harmonious society with equal justice for all.

II. THE COURTS

Courts stand at the heart of the criminal justice system and require equitable administration, procedure, and sentencing.

Policy:

- (a) The Kentucky Council of Churches encourages reform in court management and procedure. We advocate methods for selecting and training judges aimed at enhancing inclusiveness, competence, flexibility, and discretion in law administration.
- (b) We believe that the jury system requires constant scrutiny to assure its proper role and effective use. We urge the courts to take necessary steps to insure integrity of the jury system. The jury's selection and functioning must be consonant with a fair and impartial trial.

III. CRIME AND CRIMINOLOGY

The United States has an inordinately high level of crime and violence. This condition raises fear among our citizens and often leads to reactionary, inhumane proposals to deal with the problem.

Policy:

- (a) The Kentucky Council of Churches encourages the-churches and our state legislature to use the many studies on crime to help us responsibly address and reduce the causes of crime and violence in our society.

Justice in our society is often administered unequally, with racial and economic minorities carrying a disproportionate share of severe sentencing.

Policy:

- (b) The Kentucky Council of Churches seeks an end to the discriminatory administration of justice.

IV. PENOLOGY AND CORRECTIONS

Our observation is that a penal system based on punishment exacerbates conditions contributing to existing levels of crime and violence.

Policies:

- (a) The Kentucky Council of Churches urges steps be taken to assure humane conditions and standards in jails and prisons.
- (b) The Council urges the reduction of prison and jail populations.
- (c) The Council opposes the imposition of the death penalty.
- (d) The Council calls on the Kentucky General Assembly to study carefully and to enact measures that seek restoration of the convicted to full societal participation, while assuring public safety.
- (e) Further, the Council seeks treatment as well as alternative sentencing and other appropriate punishment of those who are ill, first-time offenders, or juveniles

V. PAROLE

The adequacy of the parole system stands under critical judgment by many elements in our society.

Policy:

The Kentucky Council of Churches proposes an ongoing review of the present statutes and regulations relating to parole

VI. LEGAL SERVICES FOR THE DISADVANTAGED

Nationally, over 1.2 million court cases annually touch the lives of those who live below federal poverty guidelines. The Legal Services Corporation faces continuing struggles to maintain its services to those less able to cope with the justice system.

Policies:

- (a) The Kentucky Council of Churches calls on the Kentucky congressional delegation to support full funding of the Legal Services Corporation, and we call on the Governor and the General Assembly to support full funding for the Public Defenders' offices.
- (b) Similarly, we call on Bar Associations to offer their assistance to those members of society unable to cope financially with the justice system.
- (c) Additionally, in juvenile cases in which attorneys are court-appointed to represent youths, we recommend funding which will insure adequate reimbursement to such attorneys.

VII. LAW-ENFORCEMENT

Proper law enforcement requires full citizen participation. All persons have responsibility for order and justice in our society.

Policies:

- (a) The Kentucky Council of Churches calls on all citizens to support law enforcement agencies in the humane administration of the laws of the Commonwealth and local community by the least use of force and to also assure appropriate community responsibility by participating in community-betterment programs, active neighborhood organizations, and official crime prevention efforts.
- (b) We also call upon law enforcement agencies to cooperate with and enable the involvement of citizens and community organizations in monitoring the administration of justice in crime prevention and rehabilitation.

VIII. AID TO VICTIMS

Victims of crime and the criminal justice system suffer from the after-shock of violent acts.

Policy:

The Kentucky Council of Churches calls on all sectors of the community, including legal, legislative, and religious groups and agencies to help the victims of crime and the criminal justice system in order to assure them full restoration of their social, civil, and economic rights.

IX. JUVENILE JUSTICE

Individual counties often are financially unable to provide adequate legal detention facilities while youths await disposition. The concept for regional detention facilities more appropriate to such youths' needs has been proposed by Kentucky Crime Commission.

Policies:

- (a) The Kentucky Council of Churches urges the Commonwealth of Kentucky to provide legislation and funding to insure that youths are not removed from their local and regional communities prior to their court dispositions.
- (b) The Council further recommends that post-dispositional youth offenders receive psychological and rehabilitative treatment in facilities close enough to their homes so as to support ongoing family and community involvement.

X. RESPONSIBILITIES OF PERSONNEL IN THE CRIMINAL JUSTICE SYSTEM

The ethics and competence of those who work in the justice system are reflected in the way they treat persons who enter this system, be they criminal victim, or involved citizen.

Policy:

The Kentucky Council of Churches encourages justice system administrators and law enforcement administrators to upgrade the qualifications and compensation for their personnel by providing continuing education and promoting high ethical standards

XI. THE ROLE OF THE MEDIA

The quality of reporting by the media directly affects public opinion and often influences judgments effected in the criminal justice system.

Policy:

The Kentucky Council of Churches encourages the media to report on crime and criminal justice proceedings in a comprehensive and impartial fashion.

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