

# ***Responsibility, Rehabilitation, and Restoration:*** **A Response and Implementation Plan**

July 2005

TO: California Catholic Conference  
FROM: Our Lady of the Rosary, San Quentin Catholic Chapel: Interfaith Roundtable

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**“For I was hungry and you gave me food, I was thirsty and you gave me drink, a stranger and you welcomed me, naked and you clothed me, ill and you cared for me, in prison and you visited me ... Amen, I say to you, whatever you did for one of these least brothers of mine, you did for me.”**

*(Matthew 25: 35-36, 40b)*

## **INTRODUCTION**

In the spirit of our Lord’s counsel to care for the prisoner, and of the beloved late Pope John Paul II’s sentiments that we must “offer to those who commit crimes a way of redeeming themselves and making a positive return to society,”<sup>1</sup> the **Our Lady of the Rosary, San Quentin Catholic Chapel *Responsibility, Rehabilitation, and Restoration Interfaith Roundtable*** respectfully and with hope submits to the California Catholic Conference our reflections on how the Church can both publicly endorse, and also actively play a role in improving, Restorative Justice initiatives in connection with corrections and rehabilitation in California. Too many people – legislators and the public at large, Catholics included – have a “lock them up and throw away the key” attitude which needs to be eradicated from public discourse and corrections policies because it demeans inmates’ human dignity, does not aid victims in their healing, and contradicts the Gospel message, wherein Jesus instructs us to care for the imprisoned.

**If California’s newly re-named California Department of Corrections and Rehabilitation (CDCR) is serious about emphasizing rehabilitation, every effort to enforce and improve standards for rehabilitative services in the corrections system should be embraced. And in this regard, there appear to be new opportunities for synergy between the State’s commitment to rehabilitation, and the Church’s longstanding teaching concerning our responsibility to uphold the fundamental dignity of each human person, and to witness to the transformative power of faith – and, ultimately, of Christ’s gratuitous gift of reconciliation and redemption – to restore individuals’ and communities’ spiritual and corporal integrity.**

The reflections that follow are the prayerful fruit of nine weekly sessions of a roundtable group made up of a diverse assemblage of those incarcerated at San Quentin and a diverse group of

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<sup>1</sup> Message of His Holiness Pope John Paul II for the Jubilee in Prisons, 9 July 2000.

proactive members from surrounding Bay Area communities that are willing and able to affect change in the outside community. Having begun with a careful reading of the United States Conference of Catholic Bishops' document, ***Responsibility, Rehabilitation, and Restoration*** (December 2000) and the California Conference of Catholic Bishops' ad hoc Committee on Prison Ministry and Corrections ***Delegation Report to the California Department of Corrections*** (October 2000), our roundtable proceeded to evaluate how a continued faithful implementation of the restorative justice principles of Catholic social teaching can occur with respect to corrections and rehabilitation in California. Our roundtable's focus groups have identified six key areas we believe are worthy of the attention of the Catholic community and of all persons of good will:

- Prevention and Alternatives to Incarceration
- Victims and Survivors of Crime
- Families of Offenders ~ Family Preservation
- Prisoner Education
- Preparation, Re-Integration, and Transition
- Term-to-Lifers

Under each topic section we have outlined guiding principles, a problem statement, and proposed action steps we believe are congruent with the Church's spiritual and social mission. We encourage the California Catholic Conference to develop a series of brochures for each topic section that will provide specific suggestions and resources to facilitate action. Restorative Justice Committees at the parish, the diocesan, the archdiocesan, the California Catholic Conference, and interfaith community level will greatly assist in implementing these ideas.

There is a definite need for political action and lobbying that must be taken in order to change many of the issues that are plaguing corrections within California. We believe the Church should support organizations like the Voters Corrections Reform Coalition ([www.CorrectionsReform.com](http://www.CorrectionsReform.com)) in this lobbying effort.

**We trust that California's Catholic bishops in particular and other faith community leaders, who bear special gifts as well as responsibilities in their official teaching authority, can inform and move to action those inside our faith communities, and those in secular society, to labor more fervently for reform and improvement of rehabilitative services within California's corrections system.**

## **PREVENTION AND ALTERNATIVES TO INCARCERATION**

### Guiding Statement:

**Values formation and education** are the primary keys to crime prevention, and to programming alternatives to incarceration when misdeeds occur. Values are the first place to begin in regard to crime prevention, and these need to be taught in the home and reinforced through the community, schools, and especially the Church. Values and education programs should combine social issues and consciousness-raising with academic learning so that at-risk individuals, especially youth, learn about the importance of seeking help when their struggles begin to seem overwhelming.

The Catholic Church's commitment to personal formation in body, mind, and spirit and her reputation for outreach especially to those at society's margins can stand as a positive force in

advocating programs, within its own parishes and systems of education but also in the secular society, to assist in the values formation and education that can prevent, or pose alternatives to, incarceration.

### Problem Statement:

California spends approximately \$5,200 per student per year for grades K-12, and approximately \$32,000 per inmate per year. A vacuum of values, poor education, and substance abuse issues are among the systemic social problems that lead to incarceration.

### Proposed Solutions:

#### **1: Emphasize Values:**

- Reinforce solid values in families, faith communities, Catholic schools, and in society at large.
- Points of emphasis could include: non-violent communication, anger management, domestic violence prevention, stress management, and all values that strengthen and sustain individuals' valuing of their own and others' dignity and their responsibilities to community and society.

#### **2: Focus on Education:**

- Continue to make a Catholic school education available to as many young people as possible, assisting with financial aid when possible.
- Lobby relevant government officials to ensure that education standards emphasize both academic learning and social development.
- Consider models such as the Bay Area's **Making Waves Education Program**.

#### **3: Support Youth Groups and Mentoring Programs:**

- Place special emphasis on sports and other programs that develop self-esteem while teaching confidence, humility, acceptance, and teamwork.
- utilize a **Village Concept**:
  - Cluster parishes from surrounding underserved communities.
  - Identify community leaders.
  - Recruit human and material resources from more affluent communities and then support integrated programs in adult literacy, youth groups, boys and girls clubs, YMCA/YWCA, etc.

#### **4: Address Substance Abuse Issues:**

- Evaluate arguments supporting changes in drug laws/legalization so as to treat substance abuse primarily as a medical problem or social disease rather than a criminal issue.
- Continue to support programs dealing with addiction and other social needs such as victim impact, victim-offender mediation, non-violent communication, education, life skills and vocational/job training, etc. such as that operated via **Glidepath to Recovery** by Fr. Peter Young in Albany, NY.

#### **5: Support Alternatives to Incarceration:**

- Use the Catholic network of parishes, schools, and community service organizations to get the word out about and establish restorative justice programs throughout our communities.

- Examine and work with models of Restorative Justice that aim to reduce recidivism like Ron Classen’s “Center for Peacemaking and Conflict Studies” at Fresno Pacific University and Jacques Verduin’s “Insight Prison Project” here at San Quentin.

### Conclusion

Traditional family values and education are the keys to preventing incarceration. Once a crime *has* occurred, it is imperative to instill a new set of values in the offender if we hope to integrate the offender back into society. Continuing to incarcerate individuals who commit crimes because of the impact of overwhelming social ills upon them or substance abuse does not address the root causes of their offense. Through the Church’s traditional emphasis on and support of family values and education, through advocacy on behalf of prevention and incarceration alternatives among the network of Catholic institutions, and through advocacy directed at changes in state policies with regard to incarceration, crime prevention can be streamlined.

## **VICTIMS AND SURVIVORS OF CRIME**

### Guiding Statement:

We do not presume to have all the answers, but we do have ideas that would be beneficial to everyone affected by crime. Following Jesus’ model of reconciliation and the late Pope John Paul II’s example regarding healing and forgiveness, we desire for the Church and other faith communities to become leaders in a movement to help victims and survivors of crime through the suffering that has been inflicted upon them, while upholding the dignity and holding out hope for the rehabilitation and re-inclusion into the community of those who commit crimes. Primary among means for aiding victims and survivors of crime, as well as their offenders, are Restorative Justice Initiatives and faith community programs intended to aid victims and survivors on the road to healing.

### Problem statement:

There is much emphasis in social discourse, as well as in the law, on vengeance upon offenders. Yet at the same time, the criminal justice system often confounds victims and survivors of crime. These twinned circumstances minimize the capacity for healing for all those involved in the tragedy of crime – victims, survivors, and offenders.

### Proposed Solutions:

#### **1: Support Restorative Justice**

- Establish a formal means for planning/implementing Restorative Justice programs:
  - Work/consult with already-existing programs (e.g., the forthcoming California Catholic Conference Restorative Justice website; the Victim-Offender Education Group at San Quentin sponsored by The Insight Prison Project; CDCR’s Office of Victim Services and Restitution in Sacramento; Murder Victims Families for Reconciliation).
  - Consider the example of the St. Vincent de Paul Society Restorative Justice Committee for San Mateo County that is reaching out to victims and survivors to discover their needs.

- Establish Restorative Justice Committees at the state, archdiocesan/diocesan, and parish levels:
  - Ensure mechanisms exist to address victims’/survivors’ needs:
    - i. Provide basic information about restorative justice
    - ii. Recruit specialists in the criminal justice process to advise victims/ survivors of crime who may not understand how the system works
    - iii. Recruit volunteers to assist victim/survivor families with day-to-day tasks (child care, shopping and household needs, contacting friends and family members, etc.) in the days, weeks, and months following their tragedy
    - iv. Set up and widely publicize support groups available to victims/survivors for the long term
  - Emphasize on-site prison advocacy: use prison chaplaincy programs already in place to provide inmates with further information about Restorative Justice programs.
  - Recruit victims/offenders to serve as surrogates for those not willing or able to participate directly in victim-offender mediation.
  - Include and emphasize restorative justice principles and language in the curricula of Catholic schools’ and religious education programs.
  - Include victims, survivors, offenders, and ex-offenders in programming, where possible (e.g., speaking in faith communities, working with youth groups and schools to focus on crime prevention, etc.).

## **2: Engage in Ministries of Healing**

- Develop healing response teams within faith communities (e.g., churches, mosques, temples):
  - Respond to the scene of violent crimes to offer support and prayer to those in need.
  - Implement programs that “re-hallow” violent crime scenes utilizing the example of Deacon William Coffey of Rochester, NY as described in the May 2004 issue of *St. Anthony Messenger*.
- Develop regular ministries of healing:
  - Celebrate liturgies of remembrance and healing for the victims and survivors of crime that include interfaith components to reach a greater cross-section of our communities.
  - Develop healing retreats for victims/survivors of crime.

## **3: Establish a Day of Restorative Justice Advocacy**

- Designate one Sunday per year as a day of prayer to enlighten the community about the impact of crime and the promise of restorative justice programs:
  - Use such a day to recruit volunteers to work with Restorative Justice programs outlined above.
  - Speak out against society’s vindictive mindset and publicize the implications of applying Catholic spiritual and social teaching to issues such as the death penalty, punitive-only and mandatory minimum sentencing, “three strikes” laws, etc.

## Conclusion

We pray that you will consider and implement our ideas throughout the Church. As God calls us to be brothers and sisters to one another and to reconcile, we must continually reach out to those impacted by violent crime. Ministries of restorative justice and of pastoral care to those hurt by crime would be sure signs of the Church’s continued living witness to Christ’s promise of forgiveness, healing, and reconciliation.

# **FAMILIES OF OFFENDERS ~ FAMILY PRESERVATION**

## Guiding Statement:

Crime impacts families of offenders in numerous ways, and such families desperately need the assistance of their community – and especially of their faith community – to deal with the struggles that come with feelings of regret and shame over the actions of their loved ones, the loss of family income, and with having to deal with the criminal justice system. Studies have consistently shown that prisoners who maintain family ties do significantly better than those who do not. Thus, the family is an essential part of the correctional process, and perhaps few programs are more important than those which maximize the maintenance of family ties. As Jesus counsels us to care for the prisoner, families of prisoners need to be supported in their desire and, indeed, in their Christian responsibility to continue to care for their loved one who is incarcerated.

## Problem statement:

According to the California Code of Regulations, visiting of the incarcerated is valued “as a means to establish and maintain meaningful family and community relationships is recognized and encouraged” and should be taken into consideration during the classification process to determine a prisoner’s institutional placement.<sup>2</sup> However, across the board California prisons have cut visiting times, prisoners are not placed within reasonable distance of their families, and other factors – especially a lack of adequate publicity of resources that *are* available to families – all contribute to great strains being placed upon the families of prisoners. Preserving the integrity of families of offenders requires significant advocacy to change CDCR policies and to support families in the larger community and Church.

## Proposed Solutions:

### **1: Implement Diocesan/Faith Community Support System for Families of the Incarcerated**

- assess statewide Church programs already in place which address offender family needs:
  - Establish a mechanism whereby prison chaplains can identify inmates with families in local faith communities who are willing to be contacted. Pass this information to a centralized diocesan office who can relay it to the appropriate parish, faith community, and/or local support group.
  - Ensure diocesan, parish, faith community support systems exist that are accessible, known, and well-publicized to all families of the incarcerated in California (if not already in place).
  - Organize groups to assist families with material and other daily needs and chores.
  - Direct Catholic Charities to respond to the service needs of prisoners’ families and to work more closely with detention ministries within the local dioceses; encourage other faith-based social services to do the same.
  - Organize faith communities to assist in family transportation to and from detention facilities, including use of CYO vehicles.
  - Develop and distribute a family survival handbook (and website) to families of the incarcerated that:

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<sup>2</sup> California Code of Regulations Title 15 Division 3 Chapter 1 §3170(a) and §3375.2(b)(10).

- i. Outlines each stage of the criminal justice process that offenders and their families should expect to encounter as well as instructions on how to obtain assistance at each stage of the process.
- ii. Lists local/state/national organizations offering support (but not limited) to prisoners' families.

## **2: Support a Ministry of Community Support**

- Support faith community ministries:
  - Educate faith communities about the importance of not ostracizing families of the incarcerated, and ask priests/deacons/ministers to preach on the spiritual responsibility to love their neighbors and to offer special concern and care for families who suffer the results of incarceration of a loved one.
  - Offer special liturgies for families of the incarcerated (and include interfaith aspects and outreach) to extend to them an explicit sign of welcome by the local church.
  - Place special emphasis on faith communities' and Catholic schools' attentiveness to the needs and struggles of children of the incarcerated.

## **3: Engage in Advocacy Over Incarcerated/Families' Issues**

- Dialogue with CDCR and advocate for the following issues of concern:
  - Visiting:
    - i. Provide adequate child care/play areas in visiting facilities.
    - ii. Increase available visiting days/times at all institutions.
    - iii. Give priority to visits and their schedules over inmates' institutional assignment.
    - iv. Reinstate family visits for term-to-lifers to help preserve families.
  - Press CDCR for transparency and reform on the issue of its exclusive contract with MCI to include open and competitive bidding that considers the needs of family preservation over the financial kickbacks to the CDCR.
- Lobby state officials to adopt a "Children of Incarcerated Parents Bill of Rights" as conceived by Gretchen Newby from Friends Outside and supported by other groups (See attached).

## Conclusion

We as a community cannot depend on the government to implement restoration or preservation of families and their dignity, but must pursue these goals as examples to others of the faith we preach. The Catholic Church has a longstanding commitment to, and reputation for, upholding the dignity of family life in and of itself, and as the fundamental foundation of a healthy society and Church. This commitment can be even more consistent with the Gospel message of care for the prisoner and the outcast, with a special emphasis on being attentive and responsive to the challenged circumstances of families of the incarcerated. Hopefully, the California bishops can press all local parishes to teach their parishioners the importance of treating prisoners' families with compassion. In this way, parish communities will live the example of their faith, reaching out and leading other faith communities by our example.

# **PRISONER EDUCATION**

## Guiding Statement:

In the spirit of *rehabilitation*, California's new watchword for returning inmates to the community, statistics show time and again that education *within* general society deters crime, and education of those incarcerated eases their transition back into the community upon release, reduces recidivism, and thus decreases the overall financial and social costs of incarceration. The Catholic Church, in her commitment to the dignified formation of the human person in body, mind, and spirit, *and* in her reputation for superb educational outreach especially to those at society's margins, is in a unique position to press for and assist with improvements in the education aspects of the corrections system.

## Problem Statement:

The State of California's newly-renamed Department of Corrections and Rehabilitation has a history of stated commitment to, along with an array of programs intended to address, educational needs. However, inmates' experience and data provided by relevant parties consistently indicate these efforts fall seriously short.<sup>3</sup> Both those incarcerated and Catholics in free society stand to benefit from the Church's longstanding concern for human dignity, restorative justice, and education, yet present attitudes and policies are in need of focus, improvement, and integration.

## Proposed Solutions:

### **1: A Ministry of Word**

- Dialogue with those incarcerated:
  - As a way of modeling for corrections authorities and the public at large, the Church's commitment to the human dignity of those incarcerated, establish a permanent forum so as to include the incarcerated in identifying needs and seeking solutions.
- Dialogue with CDCR:
  - Using the California Catholic Conference's social and political force, open a dialogue with the California Department of Corrections and Rehabilitation to emphasize that the human dignity and rights of those incarcerated and the Department's stated commitment to prisoner rehabilitation ought always to orient educational policies.
  - Use such dialogue to press for transparency and accountability of CDCR educational programs so they meet what the law and present correctional policy require, at minimum, and aim for the rehabilitative good that education is known to provide.

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<sup>3</sup> For example, to cite several challenges:

- Many educational programs presently mandated by the State are not actually implemented on-site.
- Policies/programs to assess educational needs of the newly incarcerated (basic literacy; GED status; adult basic education; AA/BA education abilities; ESL) are inadequate, resulting in inefficient distribution of services.
- Many existing programs are understaffed and, thus, overcrowded; others do not account for or provide the kinds of incentives needed to encourage those incarcerated to participate.
- Existing vocational training programs in the prison system are outdated, thus parolees who have participated in such programs re-enter society without the requisite skills to participate in today's workforce.
- Support of educational programs through outside volunteers is difficult (if not impossible) in "Supermax" facilities or newly-constructed prisons built far from population centers and thus inaccessible to volunteer educators.

- Dialogue with the public:
  - Using the bishops' teaching authority and mechanisms of public voice, foster programs and issue press releases, etc. that more widely publicize the Church's position on corrections and rehabilitation, restorative justice, and the role that education plays therein.

## **2: A Ministry of Education**

- Educate Catholics at large:
  - Designate a Sunday each year as "Restorative Justice Sunday" (possibly coinciding with the Gospel reading that admonishes the Lord's followers to care for the prisoner) ask pastors to preach and parish social outreach committees to publicize to congregations what the Church teaches concerning restorative justice and the pastoral care of those incarcerated, and concerning Catholics' responsibility to support public policies that take into account the Church's social teaching in the area of corrections and rehabilitation.
- Educate those incarcerated:
  - Via getting the word out through the advocacy day outlined above, urge parishes to recruit more Catholics to become involved in prison ministry, especially so as to meet the religious instruction needs of the incarcerated in all of California's prisons.
  - Establish programs that recruit and prepare individuals and cadres of Catholics to provide the incarcerated with basic educational services needed to re-enter society as productive and self-aware, self-actualized individuals: basic literacy, GED, ESL, AA/BA degree programs; also 'soul education' programs helping those incarcerated confront substance abuse, emotional distress, feelings of worthlessness or helplessness, etc.
  - Establish Catholic College/University programs within prisons, as requested by Bishop Gabino Zavala in 2000, utilizing Patten University's program at San Quentin as an example.

## **3: A Ministry of Charitable Works**

- Encourage Catholic institutions (especially high schools and colleges/universities) to greater charitable commitments such as:
  - Recruiting volunteers to assist in educational programming in the California prisons.
  - Contributing resources such as furniture, technology, education assessment services, tuition waivers for degree and certificate programs, and other gifts-in-kind so that state corrections education programs have the resources they need.
- Work collaboratively with other groups to determine needs and funding alternatives.

## Conclusion

Education is among the most effective treatments that society can offer those incarcerated in hope of preventing the spiraling economic, social, and spiritual costs of recidivism. Many of the solutions proposed above would be of benefit to both the free *and* the incarcerated, the Church *and* society:

- Stronger education programs for the incarcerated facilitate these individuals' growth and sense of self-worth as persons of dignity, and assist their rehabilitation and re-entry into the community.
- Increased participation in corrections education programs by Catholic individuals, parishes, and institutions will further incarnate Jesus' command to 'tend to the prisoner' and will witness the fundamental integrity of the Gospel's social message to secular society at large.

- Personal interaction between the incarcerated and Catholic volunteers in education programs can build and sustain Christian community since we always learn from the faith witness and experience of one another.

Educational opportunities for those incarcerated that include both secular and religious education, and for society at large that teach about the benefits to those incarcerated and society alike of investing in restorative justice programs, together can make the ideals of the U.S. Bishops' statement, *Responsibility, Rehabilitation, and Restoration* take firmer root in California. We believe the bishops' spiritual and political clout and unique authority as teachers, places them in a special position to affect public dialogue, effect change in corrections policies, and afford continued pastoral care to those in prison.

## **PREPARATION, RE-INTEGRATION, AND TRANSITION**

### Guiding Statement:

Parolees face numerous challenges in the process of reintegrating into the community, many of which relate to the lack of preparation prior to release and lack of support from the community after release. Successful programs can ensure more parolees return to society as productive taxpayers and contributing members to the common good. The Church's emphasis on forgiveness, and on sustaining healthy and close-knit faith communities within broader society, has a tremendous potential to help offenders within prison, and released ex-offenders, to feel welcome in the Church and to assist in their re-integration to the community. Given that 97% of inmates will be returned to the community, and that the newly-renamed CDCR appears to emphasize rehabilitation, we believe faith communities can play a pivotal role in publicly advocating for improved pre-release preparation, re-integration, and transition programs.

### Problem statement:

The lack of adequate pre-release preparation in prison facilities and the lack of post-release support for the formerly incarcerated in the community contribute to an extremely high recidivism rate in California (about 70%). Media spreads the message that the community should fear 'criminals,' and yet at the same time the job of preparation and reintegration, when left to the government, simply cannot sustain an ex-offender's healthy reintegration into community.

### Proposed Solutions:

#### **1: A Ministry of Hospitality and Community Integration:**

- Study the successful enterprises of **Homeboy Industries** in Los Angeles (run by Fr. Greg Boyle, S.J.) and **Glidepath to Recovery** in Albany, NY (run by Fr. Peter Young) and establish similar enterprises throughout California dioceses where possible.
- Support religious programs, like those at San Quentin, that recruit members of local faith communities to share in the spiritual life and worship programs in the prisons.
- Encourage faith based organizations (e.g., Knights of Columbus, Knights of Malta, etc.) to become more involved in detention ministry.

- Continue to recruit members of local faith communities to volunteer to assist in religious education, spiritual direction, and other spiritual enrichment initiatives aimed at inmates' capacity to reflect on their faith, previous and future choices, the impact of their crime, and opportunities for reconciliation.
- Network the Restorative Justice committees previously mentioned with existing organizations such as Catholic Charities and the St. Vincent de Paul Society to establish diocesan and faith community networks of hospitality for parolees:
  - Publish articles in diocesan newspapers to raise awareness of the humanity of our incarcerated brothers and sisters through stories of prison programs, prison ministry volunteers, and individual success stories.
  - Working with other faith communities, evaluate the availability in each diocese/region of emergency, transitional, and permanent housing facilities for parolees and establish/support facilities where deficient.
  - Establish contacts with human service agencies and systematically make available to parolees in need:
    - i. A "kit" containing personal necessities such as a change of clothing, shoes, toothbrush, etc. (or a voucher for a location where these can be obtained).
    - ii. Directions to facilities for sleeping and other immediate services.
    - iii. Options for transportation (via volunteers and/or vouchers) to required self-help meetings and parole agent appointments.
    - iv. Meals or grocery vouchers during the transition period of seeking employment.
  - Encourage individual faith communities to identify employers who are able to hire ex-felons and individuals who are able to serve as job mentors to parolees.
  - Provide support groups and other resources to encourage parolees:
    - i. To join and participate regularly in a worship community.
    - ii. To take advantage of resources that provide basic life skills training, etc.
    - iii. To continue with programs targeting substance abuse, anger management, domestic violence prevention, etc.

## **2: A Ministry of Advocacy**

- Lobby for adopting a state resolution that:
  - Opposes discrimination against people with juvenile and/or adult criminal records in public employment, benefits, and housing services.
  - Comprehensively overturns California's lifetime ban on welfare and food stamps for individuals convicted of a drug felony after August 22, 1996.
  - Grants parolees guaranteed access to identification documents, housing, job training, substance abuse treatment, and public assistance.
- Dialogue with CDCR to improve pre-release programs:
  - Acknowledge, study, and learn from current programs such as Alcoholics Anonymous, Narcotics Anonymous, ManAlive, Centerforce, The Insight Prison Project, No More Tears, Trust Fellows, job training, and victim offender education groups.
  - Dialogue with CDCR to implement cooperative programs with the non-profit sector to focus on issues such as:
    - i. Life Skills.
    - ii. Mentoring groups to assist in transition.
    - iii. Joint work ventures to provide job opportunities after release.

- iv. Provide a brochure for the county of release listing known resources such as homeless shelters, soup kitchens, EDD offices, halfway houses, live-in substance abuse treatment centers, and worship communities.
- v. Ensure that every parole office has regular P.A.C. meetings to direct parolees to assistance opportunities.
- Continue to support chaplaincy programs *within* the prisons:
  - Encourage faith communities to recruit volunteers to assist in programming that prepares inmates for release.
  - Provide a ‘bridge’ or link between pastoral care programs within the prisons, and faith communities resource and mentoring networks upon release.

### Conclusion

We as a Church need to encourage our brothers and sisters in our own community as well as in other faith communities to help us in creating a positive change in the criminal justice process, especially in the areas of preparation, reintegration, and transition. In taking a leadership position in such a movement, the Church, following the counsel of Jesus in Matthew 25, will offer to offenders and ex-offenders who are at special risk of hunger, homelessness, and loneliness, the opportunity to make positive changes in their own lives, and empower them to become successful, contributing members of the faith community and society at large.

## **TERM-TO-LIFERS**

### Guiding Statement:

In the October 2000 **Delegation Report to the California Department of Corrections**, the California Catholic Conference acknowledged serious problems with the way that term-to-life prisoners are incarcerated, and systematically denied opportunity for release. Parole was denied in case after case, even when the Board of Prison Terms (now the Board of Parole Hearings) judged a prisoner suitable for parole.

Not every individual eligible for parole is suitable for parole. Many in society are fearful of the release of term-to-life prisoners due to the nature of their commitment offense. However, many term-to-life prisoners improve their lives through spiritual development, self-reflection, self-help groups, peer support, vocational training, and education to prepare for a better and rehabilitated future as contributing members of society. While there are major hurdles to overcome for justice to be served in the cases of term-to-lifers, California’s new emphasis on rehabilitation offers a new opportunity for the Church to raise a prophetic social justice voice and speak out against the virtual no-parole policy of the BPH.

### Problem statement:

Largely due to political pressure to which a series of California governors have acquiesced, the state for 15 years has had a virtual no-parole policy. As a result, current policies and procedures for preparing term-to-life prisoners for parole are: not initiated, not followed, or are overturned.

- Term-to-life prisoners are being held beyond sentencing guidelines. This effectively constitutes cruel and unusual punishment.
- Families are broken apart because of the uncertainty of sentences and the lack of belief in government for the common good.

Compounding this is the problem of woefully inadequate legal counsel for term-to-life prisoners during parole hearings, in particular those whose financial circumstances require them to use overworked and underpaid state-appointed counsel. Thus, tax dollars continue to support keeping those who should be found suitable for parole in prison and could otherwise be contributing to society through employment and paying taxes. Continuing to incarcerate high numbers of individuals who *have* shown promise for re-entering society effectively undermines both the spirit and the letter of California's stated commitment to rehabilitation and contributes to the well-publicized spiraling of costs, especially for health care of aging prisoners.

- BPH rules allow for the presence of victims, family members of victims, and representative of the District Attorney at parole consideration hearings for the purpose of voicing their opinions about the suitability of the prisoner for parole. These opinions carry great weight.
- Under the rules of the BPH, the prisoner seeking parole is not allowed any advocate, family member, or friend to speak on his/her behalf during the parole hearing.

#### Proposed Solutions:

##### **1: Support a Ministry of Advocacy**

- Recruit respected members of the Church and other faith communities to serve as members of an advocacy board for term-to-life prisoners:
  - Direct such members to review the consistent reports of BPH violations of California's Penal Code (esp. §3041) with respect to term-to-life parole policies, as well as recent decisions by the California courts, which either in letter or spirit violate said code and/or the State's new rehabilitative emphasis; document and report these realities to the California Catholic Conference, so as to provide an unbiased accounting of such violations. These can serve as the basis of the Church's public advocacy for reform.
  - Provide for a member of the advocacy board to attend parole consideration hearings as a public observer.
- Publicly advocate for changes in the State's de facto policies on parole for term-to-life prisoners, so as to honor and make real the State's commitment to rehabilitation:
  - Arrange for the Bishops themselves, or high-level representatives, to meet with the Governor, and the Secretary and Undersecretary of the CDCR, to press for changes in parole policies for term-to-lifers that are more consistent not just with Catholic social teaching in the area of corrections responsibility, rehabilitation, and restorative justice but, indeed, with the state's own policies and newfound emphasis on rehabilitation.
  - Advocate for enforcement of Penal Code §5075, that persons appointed to the BPH "reflect as nearly as possible a cross section of the racial, sexual, economic, and geographic features of the population of the state", rather than the current panel composed of former prosecutors, former law enforcement personnel, victims of crime, and members of crime victims groups. The last 38 out of 39 Commissioners on the BPH have been in law enforcement, a prosecutor, a victim, or a member of a victims rights group.

## 2: Commit to Focused Prison Ministry Targeting Term-to-Life Prisoners

- Emphasize spiritual care by keeping the Offices of Detention Ministry open and funded.
- Emphasize psychological care:
  - The BPH requires psychological reports prior to parole consideration hearings. Many State contracted psychologists follow the demands of the BPH, rather than standard practices, in giving their medical evaluation. The BPH frequently requires term-to-life prisoners that have been psychologically cleared to obtain psychological therapy prior to a finding of parole suitability. Under CDCR policy, psychological therapy is not available unless the prisoner has a mental disorder.
  - Work with existing Catholic charities/organizations to recruit therapists to provide term-to-lifers with pro bono individual therapy so as to address the issues that would facilitate their rehabilitation and increase their chances for parole.
- Emphasize ‘corporal works of mercy’ assistance through Catholic institutions and resources:
  - Develop funding for Catholic Legal Services (e.g., St. Thomas More Society) and Catholic university law schools to represent term-to-life prisoners during their parole consideration hearings (numerous good proposals exist, such as a University of San Francisco law students’ **San Quentin Justice Project**. Universities’ report inadequate funding and lack of willing faculty advisors repeatedly derail such initiatives).

### Conclusion

California’s de facto no-parole policy for term-to-life inmates adds to the skyrocketing financial and social costs of the now-well-publicized structural dysfunction of the state’s corrections system. For, as an early American patriot, Thomas Paine, warned his fellow Americans: “an avidity to punish is always dangerous to liberty because it leads a nation to stretch, to misinterpret, and to misapply even the best of laws. To counter that tendency, he that would make his own liberty secure must guard even his enemy from oppression, for if he violates this duty he establishes a precedent that will reach to himself.”

The situation of term-to-life prisoners in California, especially with regard to the State’s virtual no-parole policy, is an egregious affront to the Church’s foundational beliefs in the human dignity of each person, in the capacity of each individual for repentance and healing, in the spirit of the prodigal son parable in the Gospel, and in the community’s responsibility to forgive the repentant and restore them to communion with their sisters and brothers in Christ.

The Church can assist term-to-life prisoners and, indeed, all the incarcerated through its continued support within corrections facilities of human development programs and restorative justice groups that emphasize spiritual development, community support, self-improvement, crime impact education, victim-offender mediation and reconciliation, family reunification, and transitional assistance. The Church already has resources in place which can better serve the spiritual and social needs of term-to-life prisoners and all the incarcerated through further intentional outreach to the lay community, clergy, charitable organizations, and especially Catholic universities.