

Statement of Conscience

Amendments may be introduced only as called for at the Mini-Assembly on Friday, June 24th at 8:00 a.m. in Convention Center Room 121A.

Criminal Justice and Prison Reform

A Revised Draft Unitarian Universalist Association Statement of Conscience March 2005 draft

Background: *This revised draft Statement of Conscience of the Unitarian Universalist Association builds upon more than a dozen social witness statements on criminal justice adopted by the Unitarian Universalist Association between 1961 and 2002. In June 2003, the General Assembly of the UUA selected "Criminal Justice and Prison Reform" as the issue suggested to congregations for two years of study, action, and reflection. The Commission on Social Witness (CSW) received initial reports from congregations and districts in March 2004. In June 2004, the CSW held a workshop on this issue at General Assembly. An initial draft Statement of Conscience was distributed to all congregations and districts for their reflection and feedback in October 2004. At its March 2005 meeting, the CSW prepared this revised draft. It will be placed on the final agenda of the June 2005 General Assembly. A mini-assembly will be held on Friday, June 24, at 8:00 a.m. to receive proposed amendments. After final revision by the CSW, the draft Statement of Conscience will be debated by the General Assembly during the Saturday morning plenary. A two-thirds vote is required for adoption. There is an Addendum to this draft Statement of Conscience that provides additional background on these issues. Further information and the texts of other UUA Statements of Conscience can be found at the CSW website (www.uua.org/csw).*

340 As Unitarian Universalists, we are committed to affirm the inherent goodness and worth within
341 each of us. As Americans, we take pride in our Constitutional promise of liberty, equality, and
342 justice for all, including those who have violated the law. Yet, the incarceration rate in the
343 United States is five to tenfold that of other nations, even those without such a constitutional
344 promise. Our corrections system is increasingly rife with inequitable sentencing, longer terms of
345 detention, racial and ethnic profiling, and deplorable jail and prison conditions and treatment.
346 The magnitude of injustice and inequity in this system stands in stark contrast to the values that
347 our nation—and our faith—proclaim. We are compelled to witness this dissonance between what
348 America proclaims for criminal justice and what America practices. We offer an alternative
349 moral vision of a justice system that operates in harmonious accord with our values as a
350 community of faith. This vision includes the presumption of innocence, fair judicial proceedings,
351 the merciful restoration of those who have broken the law, the renunciation of torture and other
352 abusive practices, and a fundamental commitment to the dignity and humane treatment of
353 everyone in our society, including prisoners.

354 **The Current Crisis**

355 In 2004, the United States incarcerated 2.2 million people in its prisons and jails. Among
356 industrialized nations, the United States incarcerates the largest percentage of its population.
357 Additionally, there are stark disparities in the racial composition of our nation's prisons, as
358 African Americans account for fully half of the prison population and comprise only thirteen
359 percent of the total population. As the costs of imprisonment increase, together with the
360 numbers of incarcerated, scarce public funds have forced the system into privatization and
361 reduction of standards. Post-9/11 public fears have intensified the perceived need for retributive
362 policies and have undermined those that are , redemptive, rehabilitative, and restorative. Elected
363 leaders and their constituents commonly conspire in this politics of fear.

364 Although Americans take great pride in the freedoms we enjoy, the American prison system
365 violates basic human rights in many ways. The Universal Declaration of Human Rights, which
366 the United States endorsed in 1948, states in Article 5, "No one shall be subjected to torture or to
367 cruel, inhuman or degrading treatment or punishment." American correctional practice often
368 subjects inmates to abusive treatment, such as torture and rape, and neglects basic human needs
369 such as health care and nutrition. Terrorism suspects are detained without charge, legal counsel,
370 or access to family.

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371 The American penchant for retribution squanders opportunities for redemption, , , rehabilitation
372 and restoration of the individual offender. Failures in the criminal justice system have created a
373 disenfranchised, stigmatized class, predominantly lower-income, poorly educated, or from racial
374 and ethnic minorities. The punishment for crime is often simply separation from society, and the
375 sentence one serves *is* the punishment. In our penal system, punishment often continues even
376 after those convicted have completed their sentence. They are stripped of voting rights, denied
377 social services, and barred from many professions. If convicted of a drug crime, they become
378 ineligible for federal student loans to attend college. Our criminal justice system makes it
379 exceedingly difficult for anyone to reintegrate into society. Consequently, an unacceptable
380 percentage of those released from our prisons and jails recidivate. As people who return to their
381 communities find they lack the opportunity and skills to function fully in society and hold down
382 a job, families and communities are undermined.

383 Not all prisoners who enter the system leave. One of the most shameful aspects of our current
384 criminal justice system is the death penalty. Many countries have abandoned the practice of
385 capital punishment. Studies fail to demonstrate that the death penalty actually deters crime.
386 While the United States Supreme Court has ruled against the execution of juvenile offenders, the
387 death penalty is still legal in the United States. Experience shows that judges and juries wrongly
388 convict defendants; some convictions have been overturned only after the wrongly convicted
389 were executed.

390 **Toward a New Corrections Philosophy**

391 A preferred alternative to current penal practice is a correctional system that is redemptive,
392 rehabilitative, and restorative. Redemptive justice recognizes justice as relational. Its purpose is
393 to restore wholeness and rightness in the social order and in the disposition of the offender, not to
394 exact revenge. Rehabilitative justice is a process of education, socialization, and empowerment
395 of the offender to the status whereby she or he may safely, constructively, and appreciatively
396 reenter society. Restorative justice is a process whereby the offender and victim can reconcile,
397 with support from the community, on appropriate restitution and healing measures that may or
398 may not include sentencing or imprisonment. The cost savings of a restorative justice process
399 over current penal practices may be more effectively invested in providing preventative support
400 services in the community, such as literacy education, vocational training, drug addiction
401 treatment, viable employment, and affordable housing.

402 Appropriate punishment for many crimes may well be separation from society, but society's
403 responsibility does not end there. The new corrections philosophy prepares offenders for their
404 successful reentry into society. An overwhelming majority of those who are incarcerated return
405 to their communities, yet only a small percentage receive meaningful rehabilitative programming
406 while in prison. In the new system, they will receive substantial rehabilitation services,
407 including vocational training and education programs during incarceration and employment and
408 transitional housing once released. Redemption, rehabilitation, and restoration are not only
409 humanely forgiving of those who have fallen off the main societal track, they are more effective
410 and less costly in addressing the criminal justice needs of our whole society.

411 **A Call to Unitarian Universalists**

412 Appalled by the gross injustices in our current criminal justice system, we the member
413 congregations of the Unitarian Universalist Association commit ourselves to working in our
414 communities to reform the criminal justice and correctional systems and effect justice for both
415 victims and violators. We act in the spirit that we are indeed our sisters' and brothers' keepers.

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416 Love is our governing principle in all human relationships. Therefore, that we may speak with
417 one voice in unity, though not uniformity, we commit ourselves, our congregations, and our
418 Association to these congregational actions and advocacy goals.

419 Congregational Actions

- 420 • Form a study group within our congregation to learn about our own local jail and state
421 prison system, its budget, recidivism rates, rehabilitation programs (inside and outside the
422 facilities), and opportunities for volunteers.
- 423 • Network and collaborate with existing community outreach programs and advocacy
424 groups for prisoners and their families.
- 425 • Establish Unitarian Universalist prison ministries and encourage volunteers from our
426 congregations to go into prisons and get involved with and/or begin peer-counseling/
427 mentoring programs.

428 Advocacy Goals

- 429 • Legislation that strengthens gun control, ends the so-called “War on Drugs,” allows for
430 discretionary sentencing, and abolishes the death penalty.
- 431 • Reforms of the judicial system to establish drug courts that prescribe treatment rather
432 than imprisonment, provide affordable and competent counsel for all defendants, and
433 empower citizen review boards.
- 434 • Effective alternatives to incarceration such as arbitration, restorative justice programs,
435 community service, in-house arrest, and mental health and substance abuse treatment.
- 436 • Dismantling of the for-profit prison industry.
- 437 • Publicly funded and managed system of correctional facilities accredited by the National
438 Commission on Correctional Health Care and by the American Correctional Association,
439 ensuring that children and youths are separated from adults in the penal system, providing
440 appropriate facilities and services for prisoners with mental health and other health
441 concerns, addressing the unique medical and psychological needs of female prisoners,
442 and abolishing cruel detention and interrogation methods and the use of isolation for
443 prolonged periods of time.
- 444 • Termination of the relocation of prisoners out-of-state or country and help to sustain
445 families and family life by assigning prisoners to facilities near their homes and by
446 providing facilities that are conducive to comfortable family visits.
- 447 • Universal access to rehabilitation, education, and job training programs and restorative
448 and recovery programs provided for non-religious as well as for religious prisoners.
- 449 • A probation and parole system empowered and enabled to correct the excesses of past
450 mandatory sentencing requirements, provide compassionate reprieves for the terminally
451 ill and aged, support former prisoners as they reenter society, and allow for individual
452 evaluation of technical parole violations.
- 453 • Elimination of post-prison restrictions on the civil rights and civil liberties, including
454 voting rights, of those who have paid their debt to society.

455 Through ongoing congregational education, advocacy and action, we can make good on our
456 American promise and our Unitarian Universalist heritage to be both compassionate and just to
457 all in our society. Through our diligence and perseverance in realizing this promise, we can live
458 the core values of our country and extend the values of our faith to the benefit of others.