

Tough but not smart

by the St. Louis Post-Dispatch

China, a repressive country that spies on its citizens and locks them away for relatively minor offenses, has about 1.5 million people in its prisons and jails. The United States has 2.3 million, and our population is only about one-fourth that of China.

America imprisons a far higher percentage of its citizens than any other country in the world. About one of every 100 American adults is now in prison or jail. That's five times the rate of incarceration in England and nearly nine times the rate in France.

A new report by the nonpartisan Pew Center for the States questions whether we're getting an adequate return on our \$44 billion national investment in what we might call our corrections industry.

Obviously, it is absolutely necessary to lock up violent offenders and sexual predators who threaten society. But many of those imprisoned in this country don't fit that description. Nearly half of those incarcerated in Missouri, for example, are nonviolent offenders.

The Pew report shows that much of the growth in the prison population over the past decade has been driven by laws that have eliminated the ability of the justice system to exercise judgment about the specifics of offenders and their offenses. Instead, the laws require prison sentences and longer terms for those put there. That has proved to be popular policy in most states and, thus, eagerly embraced by politicians who want to create the appearance of being tough on crime.

Almost 28 percent of Missouri prisoners incarcerated last year were subject to a minimum mandatory sentence, compared to just 11 percent in 1997. Among them are increasing numbers of drug offenders, most of them non-violent users. The most prominent example nationwide has been the sentences handed out to crack offenders.

During the 1980s and early 1990s, public fears that crack cocaine was a more addictive, more potent drug menace than powdered cocaine pushed elected officials to enact tough new laws that set mandatory - and lengthy - sentences for crack cocaine possession. Crack is most often found in poor urban neighborhoods. Chemically, it is identical to powdered cocaine. Yet under federal law and laws in many states, a person caught with five grams of crack faced the same minimum sentence as someone caught with 500 grams of powdered cocaine.

Meanwhile, Missouri and other states also were passing laws requiring parolees to be sent back to jail for "technical" violations of their release, such as missing a counseling session. Again, sometimes these types of

violations justify a return to prison. But sending everybody back, regardless of the circumstances, needlessly clogs prisons with inmates.

Some people say that sending more lawbreakers to prison has reduced crime rates. But the statistics on that cut both ways: Crime rates were down in Florida, for example, which increased its prison population by about 5 percent last year, but crime rates also were down in states like New York, which reduced its prison population by 1.1 percent last year.

The costs of keeping people in prison have skyrocketed over the past two decades, leaving states and the federal government with less money available for other priorities - education, for instance. Since 1987, inflation-adjusted state spending on corrections has jumped by 127 percent. Spending on higher education increased just 21 percent over the same period.

For every dollar it spends on higher education, Missouri spends 67 cents and Illinois spends 51 cents on corrections. Connecticut and Vermont actually spend more on prisons and jails than they do on higher education.

Growth in corrections spending is prompting many states to rethink their policies. In California and Texas, for example, nonviolent drug offenders are being referred, sensibly, to treatment programs instead of being sent to jail. Drug treatment is less expensive than prison, and addicts who receive treatment are less likely to go back to crime after being released. Texas estimates it can save \$210 million over the next two years by referring more addicts to treatment.

For two decades, our politicians have demonstrated an ability to look tough on crime. Now, it's time to get smart, to lock up the people who need to be imprisoned and to find other ways to deal with those who do not.

That enlightened approach would have the additional benefit of freeing more money for roads, schools, fire protection and everything else a civilized society needs.

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