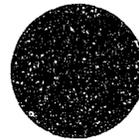


NCJRS

PAUL SIMON
ILLINOIS

MAR 8 1995



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United States Senate

WASHINGTON, DC 20510-1302

**IN NEW SURVEY, WARDENS CALL FOR
SMARTER SENTENCING, ALTERNATIVES TO INCARCERATION,
AND PREVENTION PROGRAMS**

Dec. 21, 1994

Prison wardens uniformly reject the popular crime-fighting solutions coming out of Washington, according to a national survey conducted by Senator Paul Simon's Subcommittee on the Constitution, a panel of the Senate Judiciary Committee. Instead, wardens call for additional prevention programs, smarter use of prison resources, the repeal of mandatory minimum sentences, and an expansion of alternatives to incarceration.

85 percent of wardens surveyed said that elected officials are not offering effective solutions to America's crime problem.

Simon sponsored the survey of 157 wardens and also sounded out 925 inmates in an effort to introduce "a reality check" as Congress prepares to renew its debate on crime policy. Noting that Congress will be asked to consider popular but overly simplistic remedies for the nation's epidemic of violent crime, Simon sought the input of those on one of the front lines of the criminal justice system: Wardens who oversee the nation's state prisons. These informal surveys were distributed by the Departments of Corrections in eight states: California, Delaware, Florida, Illinois, Michigan, Ohio, Pennsylvania, and Texas. Warden surveys were received from more than 60 percent of the prison facilities in these states.

COMMENTS OF SENATOR PAUL SIMON:

"It looks like Congress will be gearing up for another crime bill," said Simon. "That makes this a good time for a reality check on what works and what doesn't work in fighting crime. This survey is an effort to elevate the debate so we have a chance of finding real answers, not just answers that sound tough. Some of those tough-sounding answers are unquestionably making the crime problem worse.

"We've just passed the dubious milestone of having one million people in prison. But for all the new prisons we've built and filled over the last two decades, we feel less safe today than we did before. Loading our prisons with nonviolent drug criminals means that, today, we are committing more nonviolent offenders to hard time than we are violent criminals, and there's little room left for the violent offenders who should be put away to make our streets safer.

462 DIRKSEN BUILDING
WASHINGTON, DC 20510-1302
202/224-2152
TDD: 202/224-5469

230 S. DEARBORN
KLUCZYNSKI BLDG., 38TH FLOOR
CHICAGO, IL 60604
312/353-4952
TDD: 312/786-0308

3 WEST OLD CAPITOL PLAZA
SUITE 1
SPRINGFIELD, IL 62701
217/492-4960
TDD: 217/544-7524

250 WEST CHERRY
ROOM 115-B
CARBONDALE, IL 62901
618/457-3653

"Chase Riveland, a corrections official in Washington State who looked at these survey results, said that focusing only on prisons and ignoring prevention is 'drive-by legislation,' at best," Simon continued. "He's right."

Wardens Appeal for More Balanced Approach

Despite the current "tough on crime" rhetoric favored by many politicians, the wardens who participated in the survey generally call for a more balanced approach that mixes punishment, prevention, and treatment. For example, asked how they would spend an additional \$10 million in resources, wardens said they would allocate only 43 percent on law enforcement, while spending 57 percent on prevention programs. That ratio contrasts sharply with the spending in last year's crime bill, which allocated only a quarter of the \$30 billion bill to prevention programs. The survey results also raise questions about proposals in the "Contract for America," which call for the repeal of much of the remaining prevention funds.

Smarter, Not Just Tougher, Sentences

Wardens also urged a more intelligent use of prison space, expressing concerns that the nation is wasting scarce prison resources on non-violent offenders. Wardens noted that, on average, half of the offenders under their supervision could be released without representing a danger to society. Similarly, 65 percent declared that the nation should use prison space more efficiently, by imposing shorter sentences on non-violent offenders and longer sentences on violent ones.

Wardens also questioned the use of a "one size fits all" approach to sentencing: 58 percent rejected mandatory minimum sentences for drug offenders. And 92 percent said that greater use should be made of alternatives to incarceration, such as home detention, halfway houses, and residential drug treatment programs. These results were confirmed in general terms by prison inmates, who indicated that longer sentences did not represent a particularly effective crime deterrent.

Of wardens surveyed, 58 percent did not support mandatory minimum penalties for drug offenders.

Jobs, Education, and Family

When asked to identify the most effective way of fighting crime, wardens overwhelmingly chose prevention programs, especially those that address basic human development needs. 71 percent said improving the educational quality of public school would make a major difference in fighting crime, 66 percent favored increasing the number of job opportunities in the community; and 62 percent endorsed developing programs to help parents become better mothers and fathers. In contrast, only 54 percent said longer sentences for violent criminals would have a major effect on crime, and only 8 percent supported longer sentences for drug users.

Similarly, wardens and prisoners were nearly unanimous in calling for an expansion of rehabilitation programs in prisons themselves. For

example, 93 percent of the wardens surveyed recommended a significant expansion of literacy and other educational programs. Again, the result stands in sharp contrast to Congress' actions during last year's crime debate when Congress eliminated all funding for Pell grants for prisoners.

Conclusion

This survey of a representative sample of the nation's wardens raises serious questions about Congress' plans to once again dramatically increase funding for prison building programs. Before Congress rushes in with these politically popular "tough on crime" solutions, the wardens suggest, it needs to consider the view of those with first hand knowledge of what works in fighting crime so that Congress can make informed choices in a time of severe budget constraints. This survey suggests that some of the most popular crime-fighting measures may be among the least effective.

It is clearly time to rethink our current direction in crime policy. That requires careful deliberation and fact-finding, not a rush to judgment. This survey represents just the first step in learning more about what will promote public safety. It should not be the last.

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HIGHLIGHTED FINDINGS - Warden Surveys

A BALANCED APPROACH

Wardens urge a balanced approach of prevention and punishment:

- When asked how they would allocate an additional \$10 million to fight crime in their communities, wardens said they would spend:

57% on prevention programs
43% on law enforcement

SENTENCING POLICY

Wardens express concern that scarce prison resources are being wasted on less dangerous offenders:

- 65% of wardens surveyed would use prison space more efficiently by imposing shorter sentences on non-violent offenders and longer sentences on violent ones.
- Wardens would rather cut sentences for all crimes, or use prison space more efficiently, than build more prisons.
- Wardens indicated that, on average, 50% of the offenders under their supervision would not be a danger to society if released.

Wardens reject mandatory minimums:

- 58% of wardens oppose mandatory minimum sentences of 5, 10, 20 or more years for drug crimes.

Wardens overwhelmingly favor alternatives to incarceration:

- 92% of wardens surveyed think that greater use should be made of alternatives to incarceration, such as home detention, halfway houses, boot camps, and residential drug treatment programs.

FIGHTING CRIME

Wardens overwhelmingly agreed that addressing the root causes of crime is the most effective way to reduce crime.

- Asked to identify what would make a major difference in reducing crime:

71% said improving educational quality of schools.
66% said expanding employment opportunities
62% said programs to teach young parents
how to be better mothers and fathers.

Wardens prefer more police to longer sentences:

- 78% of wardens surveyed said that increasing the likelihood of being caught is more effective at reducing crime than increasing the length of prison sentences.

PRISONS

Wardens overwhelmingly support prison programs to reduce recidivism:

- 89% favor drug treatment
- 92% favor vocational training
- 74% favor psychological counseling
- 93% favor literacy and other educational programs

POLITICIANS

Wardens reject political solutions:

- 85% of wardens surveyed do NOT think that most elected officials in America are offering effective solutions to crime.

HIGHLIGHTED FINDINGS - Prisoner Surveys

Inmates cite social problems as principal causes of crime:

Asked to give the top reasons people violate the law,

- 68% said drugs and/or alcohol
- 61% said no job
- 46% said bad family life
- 45% said poor education

Inmates see drug treatment, education and jobs as solutions:

Asked for the best crime fighting solutions,

- 49% said "give jobs to anyone who wants to work"
- 44% said "give drug treatment to anyone who needs it"
- 42% said "teach young mothers and fathers how to be better parents"
- 30% said "make public schools better"

DISTRIBUTION PROCESS

The Subcommittee selected eight states, chosen for geographic and political diversity. For every state except California, the state Department of Corrections distributed both the inmate and warden surveys. In California, the Subcommittee distributed warden surveys directly to a randomly selected group of wardens, and mailed inmate surveys to three California prisons.

Completed surveys were received from the following states:

| States | Wardens | Inmates |
|--------------|---------|---------|
| California | 12 | 31 |
| Delaware | 6 | 121 |
| Florida | 21 | 129 |
| Illinois | 18 | 135 |
| Michigan | 24 | 101 |
| Ohio | 27 | 130 |
| Pennsylvania | 23 | 135 |
| Texas | 26 | 143 |
| TOTAL | 157 | 925 |

DEMOGRAPHICS

Wardens

- Surveys were received from 62% of the wardens in the eight states.

Inmates

Of the 925 prisoners surveyed:

- 95% were male; 5% were female.
- the average age was 32 years old.
- 50% held a steady job when they committed the offense.
- 56% were taking drugs and/or alcohol when they committed the offense.
- the average last grade completed in school was 11th grade.
- 50% were convicted of violent crimes; 19% of drug offenses; 19% of property offenses.
- 49% expect to spend less than 5 years in prison; 40% expect to spend more than 5 years in prison.

#

news from

PAUL SIMON

U.S. SENATOR

ILLINOIS

Monday, Dec. 19, 1994

CONTACT: David Carle
202-224-7115
Christopher Ryan
202-224-7023

Prison Wardens Dispute Politicians On Anti-Crime Solutions; Simon Sets Wedn. News Conference To Release Survey Results

The prison wardens who are on one of the front lines in the war on crime say many of the anti-crime proposals most favored by Congress are also the least effective.

Sen. Paul Simon, D-Ill., has set a news conference for 10 a.m. Wedn., Dec. 21, in Room S-207 of the U.S. Capitol (Mansfield Room) to release and discuss the survey results.

Simon surveyed wardens of state prisons in California, Illinois, Florida, Michigan, Ohio, Pennsylvania, Texas and Delaware. He said 85 percent of those responding said that politicians are not offering effective solutions to the nation's crime problem. They urge a more balanced approach that mixes punishment, prevention and treatment -- a ratio that contrasts sharply with spending in last year's crime bill and even more sharply with the priorities reflected in the House GOP's "Contract With America."

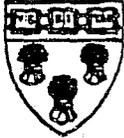
Simon also surveyed inmates and will release a summary of their responses.

Simon is a member of the Senate Judiciary Committee and took the lead in the Senate in pushing modifications of the crime bill's provisions on mandatory minimum sentences and authored several crime bill measures, including gun dealer license reforms, mandatory drug testing of prisoners before and during parole, and a process that will establish standards for use of DNA evidence.

Joining Simon at the news conference will be Michael Quinlan, former director of the U.S. Bureau of Prisons, and Andrew Sonner, Montgomery County (Md.) state's attorney.

Statement by David Kopel,
Associate Policy Analyst at the Cato Institute
(303) 279-6536

"What the wardens are saying is exactly what many criminologists have been saying for years. Fighting the "drug war" through imposing draconian mandatory sentences on first time, non-violent offenders is unjust and ineffective. Mandatory minimums for drug offenses endanger society by reducing prison space for repeat violent offenders. And mandatory minimums undermine the moral basis for the criminal law, by destroying the principle that the punishment must be commensurate with the crime."



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CAMBRIDGE · MASSACHUSETTS · 02138

PHILIP B. HEYMANN

*James Barr Ames Professor of Law
Director of Center for Criminal Justice*

TEL (617) 495-3137
FAX (617) 495-1110

December 20, 1994

STATEMENT OF PROFESSOR PHILIP B. HEYMANN

We have one violence emergency in the United States. The rates of homicide by teenagers have doubled in a very few years, and we will have many more youth in the increasingly dangerous age groups in five and ten years than we have now. That means even more youth violence unless we address the problem practically.

Senator Simon has had the courage to ask whether this is happening — whether the emperor is wearing any clothes. The emperor in this case is an ideological crime policy that thinks it can deal with this terrible epidemic of youth violence in our center cities by providing the funding to allow our adult prisons to be filled with non-violent offenders (particularly low level drug offenders) and over-age armed robbers living out their retirement years at state expense. People will see through a plan to deal with youth violence by incarcerating non-violent and no-longer-dangerous adults.

Every person convicted of a violent crime should be locked up until he no longer poses a substantial risk to his neighbors. But that length of sentence is well within the capacity of any state that is not filling its prisons foolishly. We do not have to help the states emulate the federal government which, at Congress' command, has been filling thousands upon thousands of its cells with drug offenders who have no prior convictions, no record of violence and no important role in any significant drug organization; and who are serving Congressionally specified sentences much longer than most violent criminals, far longer than the tough-minded federal sentencing commission would set, and longer than some of our most distinguished judges have been prepared to impose, despite the clarity of the mandatory minimum statutes. The common sense view that this is folly — and plainly is not cost effective — is also the view of our nation's prison wardens.

Solid research has been done on what we can expect at what cost from blindly supporting more prison cells and more police without thinking about how they will be used. Police and prison officials agree. "Not much" and "at huge cost" are the widely accepted answers. We can get far greater gains from intelligently targeting our law enforcement and prevention on the epidemic of violence by inner-city youth.

The Congress should hold hearings on what works, and what does not, before plunging ahead again with what "feels good" and "sells well." The emperor of ideological law enforcement has no clothes. The country is entitled to more safety, not more posturing.

NEWS RELEASE

Contact: Dolores Beasley
Phone: 202/331-2602

STATEMENT BY E. MICHAEL McCANN
District Attorney, Milwaukee County, Milwaukee, WI
Chair, ABA Criminal Justice Section,
Concerning the Senate Judiciary Subcommittee on the Constitution
Survey on Crime

WASHINGTON, D.C., Dec. 21, 1994 -- The Constitution Subcommittee's survey of corrections officials in eight key states confirms what the American Bar Association's own research and studies have shown: that a balanced approach to fighting crime -- emphasizing prevention and treatment, as well as tough law enforcement -- is what is effective in reducing crime over the long term.

Mandatory minimum sentences and other policies that substantially increase our reliance on incarceration are costly and ultimately ineffective ways to combat many crimes, particularly nonviolent crimes. Alternative forms of punishment for nonviolent offenders that cost less but still hold criminals accountable for their crimes, such as community-based corrections plans, will free up prison and jail space so that violent, predatory criminals can be kept off the streets.

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AMERICAN CORRECTIONAL ASSOCIATION

8025 Laurel Lakes Court • Laurel, Maryland 20701-5075 • 301-206-5100 • Fax: 301-206-5061

STATEMENT FROM BOBBIE HUSKEY, PRESIDENT AMERICAN CORRECTIONAL ASSOCIATION

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The findings from the national prison warden survey is consistent with positions already adopted by the American Correctional Association over the past several years. ACA policies promote greater use of sentencing options for non-violent crime which includes a broad range of cost-effective sanctions and punishments that protect public safety. ACA also supports the funding of anti-recidivism measures that increase the educational and vocational skills of inmates, that reduce their dependence on drugs and that place greater emphasis on front-end prevention measures that reduce the number of youth and adults entering America's correctional systems. While increasing the nation's prison population may be an attractive short-term measure, ACA policies promote a comprehensive, balanced approach to reducing crime in our society.

The American Correctional Association, a 20,000 member professional association, represents prison wardens, probation and parole officials, juvenile facility and community-based practitioners throughout the United States and abroad. The association has 71 affiliated organizations representing geographical regions and professional disciplines.

December 21, 1994



STATE OF WASHINGTON

DEPARTMENT OF CORRECTIONS

P.O. Box 41100 • Olympia, Washington 98504-1100 • (206) 753-1573
FAX Number (206) 586-3676 SCAN 321-3676

December 20, 1994

Faxed to 202/224-0868

**The Honorable Paul Simon
United States Senator
Washington, D.C. 20510-1302**

Dear Senator Simon:

A review of the findings of your survey of 157 wardens and 925 inmates leads me to believe that those responding are more rational and balanced in their approach to crime, violence, and incarceration than are many of our elected officials at the state and national level. They do not recommend a singular rhetorical response, but rather a thoughtful balance of law enforcement and prevention, incarceration of violent offenders, but less costly alternatives for non-violent offenders.

The nation cannot sustain the enormous cost of incarceration, which is becoming the solution of choice for all social problems: drugs, mental illness, and homelessness. The proposed stripping of the preventive measures from the crime bill is at best "drive-by legislation," arguably continuing to promote that increased incarceration can "fix" the problems of crime and violence. Sadly, few who work daily in criminal justice believe that.

I applaud your efforts to bring a thoughtful voice to this issue.

Sincerely,

**Chase Riveland
Secretary**

CR:lfm

Statement by Commissioner Joseph Lehman, Pennsylvania
Department of Corrections for use in connection with Senator
Paul Simon's press conference - Wednesday, December 21,
1994

The survey responses from prison administrators underscore a widely held belief among corrections professionals across this country that simplistic responses and "quick-fix" solutions to crime are not working. Just waiting to tinker with individual offenders after the fact, after the tragic act has been committed has not solved our crime problem, nor will it. Reliance on essentially what is a constellation of risk management activities on the part of the criminal justice system is not going to appreciably effect the overall level of crime in this country.

Ultimately, the solution of our crime problem rests as much with crime prevention as it does with crime control. In the interim, the debate should not be focused on the whether there is a need for prisons. Certainly those of us who build and operate prisons know the value of prisons. They are needed.

Fundamental to that debate should be the recognition that the prison space we continue to create represents a very costly resource that needs to be preserved to incapacitate the dangerous, violent and persistent offenders who pose the greatest threat to public safety. The discussion we need to have is not over prisons but whether we are using them in a cost effective manner. The debate we should be having is whether we are making the sorting decisions effectively. Are we locking the right offenders up? Is the criteria we are using appropriate? Are the decisions being made by individuals in a manner which is visible to and ensures the public's ability to hold the official accountable?

The conclusions to the survey based on the prison administrators' responses would suggest that the answer to these questions is, all too often, a resounding NO.

**Statement by Chuck Colson,
Chairman of the Board, Prison Fellowship
(703) 478-0100**

"I am not surprised to learn that 85 percent of the wardens surveyed by Senator Simon believe that our elected officials "are not offering effective solutions to America's crime problem." In the current political climate doing "something" about crime crowds out any careful consideration about what might actually work. More than any of us, wardens are first hand witnesses to the effectiveness of our proposed "solutions." They have seen prison populations more than triple in the last fourteen years. Simultaneously, they have noticed - and pointed out to me - the emergence of harder, more bitter prisoners who don't seem to have a sense of right and wrong. More than any of us, Wardens have earned their skepticism.

Furthermore, even if you concede that nearly quadrupling the prison population since 1980 had some effect on crime, there's still a very big problem. Our political leaders are, to borrow a phrase from the military, preparing to fight the last war. All of the proposed measures don't seem to understand that our crime problem has changed dramatically in the last ten years. Our principal crime problem is an exponential increase in violent, often senseless, crime by very young men, often as young as thirteen or fourteen. Alfred Blumstein of Carnegie Mellon University has calculated that the increase in murder rates among young men accounted for an additional 18,000 murders between 1986 and 1992.

And there's plenty more to come. The crime prone age group will grow a million by the end of the decade, and it will get even larger early in the next century. Jack Levin, a sociology and criminology professor at Northeastern University says that "we haven't even begun to see the problem with teenagers that we will see in the next ten years."

I am troubled by the lack of an informed debate on this issue. We are on the verge of a crisis and our leaders are in the midst of an irrelevant bidding war. Building more adult facilities and extending sentences will do little, if anything, to deter unsocialized juveniles. And worst of all, it distracts us from asking the hard question "why have our young people turned so violent?"

Yet we must ask this question and we must ask it before we act. If we don't, we will revisit this issue again and again. If Senator Simon can start a debate on these issues, he will have done a service to our country. Americans should understand the nature of our crime problem before we address it. What's at stake is too important to be left to political posturing."

**Statement by Perry Johnson,
former Director of Michigan Department of Corrections,
former President of American Correctional Association
(517) 882-1807**

"...the results come as no surprise to me. Namely, that the wardens call for additional crime prevention programs, smarter use of prison resources, the repeal of mandatory minimum sentences, and an expansion of alternatives to incarceration and believe that elected officials are not now offering effective solutions to the U.S. crime problem...

...As a former warden and director of corrections I recognized long ago that prisons have limited potential for control of crime -- prisons come into play far too late and leave the sources of the crime problem untouched. Attacking the crime problem only after the crime is committed -- after irreparable harm is done -- is like preventing coronary heart disease by using only EMT after the heart attack. Neglect and abuse by incompetent or absent parents; poor schooling; addictive personalities; and a pervasive culture of violence -- the perception and pop culture that violence is an acceptable means to an end -- must be dealt with to reduce the level of crime in our society. No prison system can do that."

THE SENTENCING PROJECT

STATEMENT OF MARC MAUER

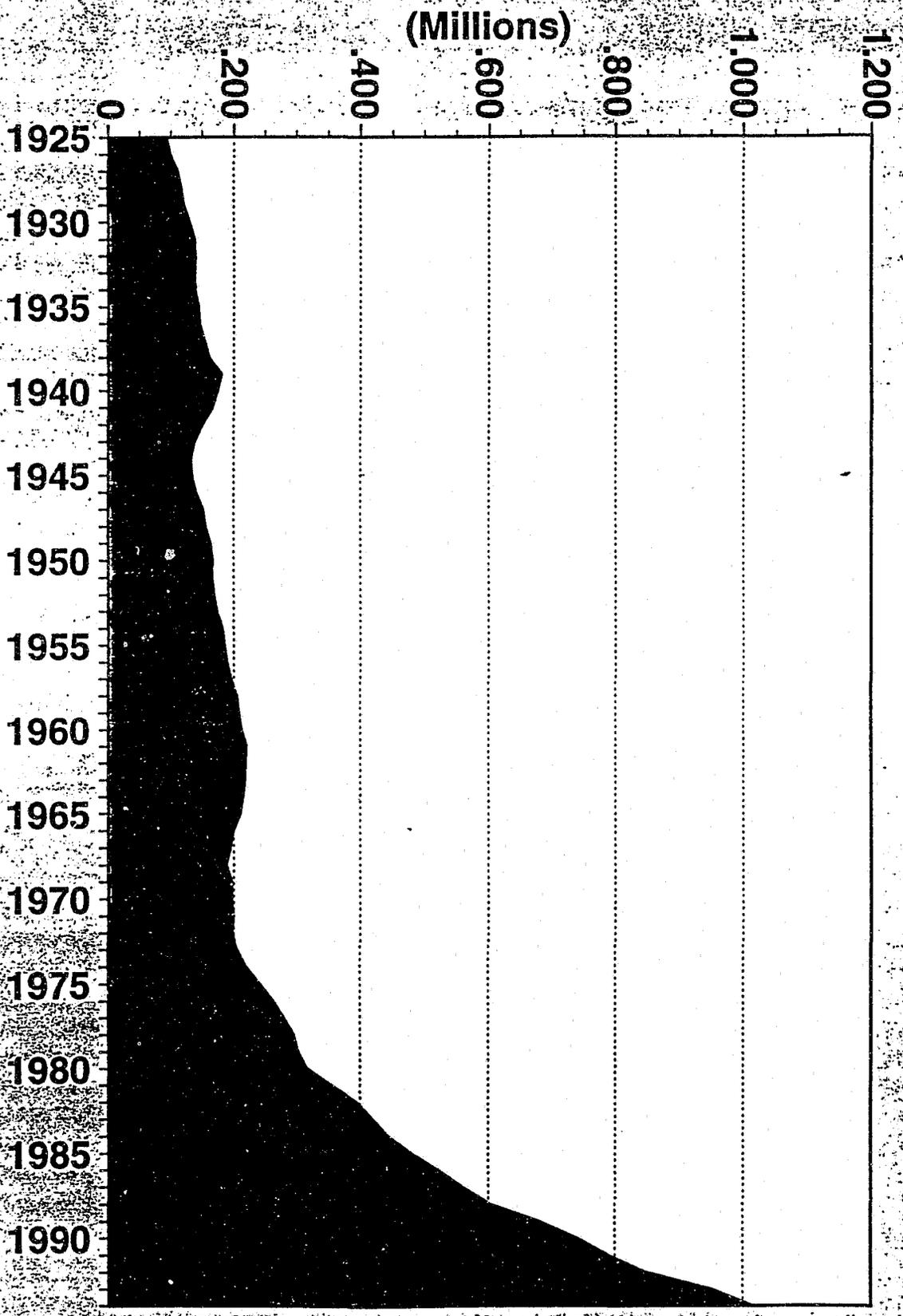
Assistant Director
The Sentencing Project

In recent years, a growing consensus about crime control policy has been emerging not just among wardens, but among most criminal justice practitioners across the country. The outlines of this consensus include the following:

- The criminal justice system, while important, plays only a limited role in crime control. As a reactive system, the criminal justice system addresses the problem of crime only after the harm has been done.
- Incarceration is expensive and should be used as a last resort, if no other sanctions are appropriate. Viable alternatives that are more cost-effective than prison can be developed for many offenders currently incarcerated.
- Since a disproportionate amount of crime is committed by young males in the age group 15-24, strategies designed to prevent crime hold more promise for crime reduction than locking up older offenders for long periods of time.

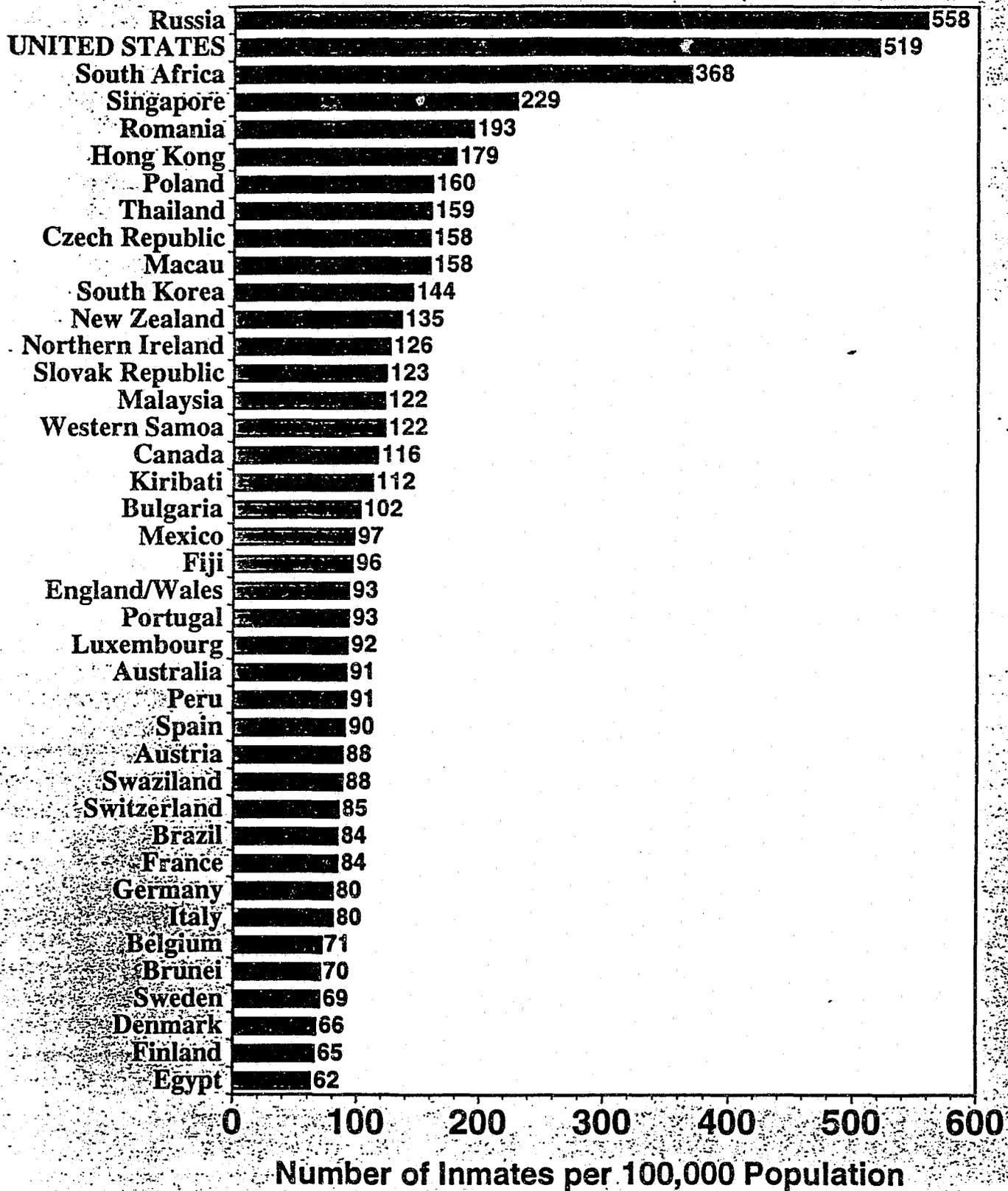
The current "get tough" movement is hardly a new idea, but rather a continuation of policies that have been tried for two decades. The quadrupling of the prison population since 1973 has not left Americans feeling safer and has diverted resources from more productive crime control strategies. An effective crime control strategy should avoid "quick fix" solutions and should address the appropriate mix of punishment and prevention that is needed to create safe communities.

Prisoners in State and Federal Prisons 1925 to 1994



Source: U.S. Department of Justice, Bureau of Justice Statistics

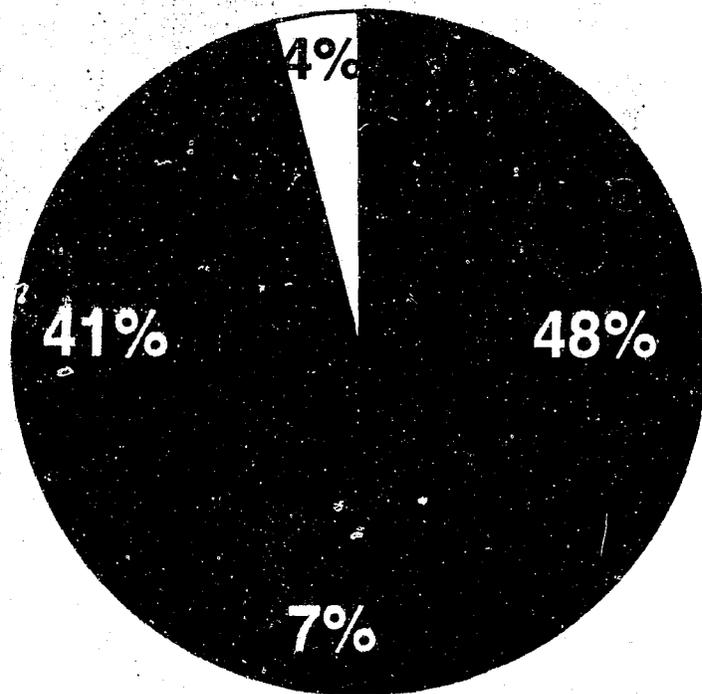
International Rates of Incarceration 1992-93



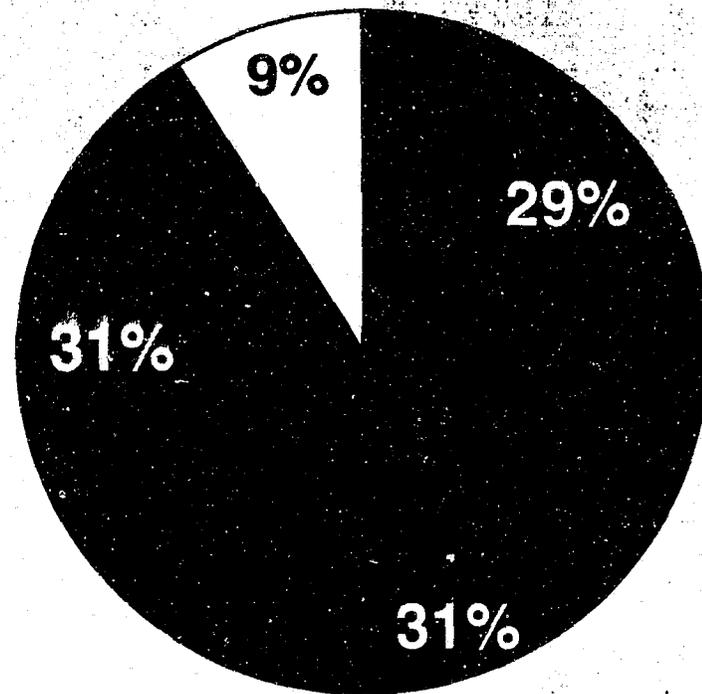
Source: The Sentencing Project

Percent of New Prison Commitments By Offense Type

- Violent Offenses
- Property Offenses
- Drug Offenses
- Public Order Offenses



1980



1992

**WARDEN SURVEY: Do you support
mandatory sentences for drug crimes?**

No: 58 percent

Yes: 35 percent

WARDEN SURVEY: Best solutions to prison overcrowding --

- 1) Shorter sentences on non-violent offenders and longer sentences on violent offenders (65 percent)**
- 2) Reduce the need for more prison space by lowering sentences for certain categories of less-violent crime (45 percent)**
- 3) Build more prisons (39 percent)**

Favor prison alternatives such as home detention, halfway houses, boot camps and residential drug treatment programs?

Yes: 92 percent

No: 5 percent

WARDEN SURVEY: Top-ranking approaches "that would make a major difference in reducing crime" --

- ✓ *Improve quality of public education*
- ✓ *Expand number and quality of job opportunities*
- ✓ *Parenting skill programs for young parents*
- ✓ *Longer sentences for violent crimes*
- ✓ *Expand child development programs such as Head Start*
- ✓ *Mentoring programs*

WARDEN SURVEY: How would you allocate an extra \$10 Million to fight crime in your community?

57% Prevention

43% Law Enforcement

**WARDEN SURVEY: Do you think most
elected officials are offering effective
solutions to crime?**

Yes: 10 percent

No: 85 percent

WARDEN/ADMINISTRATOR SURVEY 157 total

1. Name of facility: _____

2. City and State of facility:

3. Security Level of Facility:

- 26 (17%) low security
- 6 (4%) low/medium security
- 42 (27%) medium security
- 4 (3%) medium/high security
- 50 (32%) high security
- 13 (8%) low/medium/high security
- 16 (10%) other or N/A

BACKGROUND

4. How many inmates are under your supervision? _____

5. What is the maximum capacity of the facility housing these prisoners? 115% capacity on average

6. What percentage of the offenders under your supervision do you feel would be a danger to society if released? 50.2 % on average

PRISONS

7. Do you think that prisons in your state are overcrowded?

131 (83%) Yes 26 (17%) No

8. If yes, what do you think is an appropriate response to overcrowding:
(Check all that apply)

- 62 (39%) build more prisons
- 5 (3%) reduce the need for more prison space by lowering sentences for all crimes
- 102 (65%) use prison space more efficiently by imposing shorter sentences on non-violent offenders and longer sentences on violent ones
- 71 (45%) reduce the need for more prison space by lowering sentences for certain categories of less violent crimes
- 0 (0%) do nothing
- 64 (41%) other

9. Do you think that greater use should be made of alternatives to incarceration, such as home detention, halfway houses, boot camps, and residential drug treatment programs.

145 (92%) Yes

8 (5%) No

4 (3%) N/A

o If yes, which alternative programs seem particularly promising?

10. Is a person more or less likely to commit another crime after serving time in prison? (Check one)

- 47 (30%) more likely
- 42 (27%) less likely
- 53 (34%) no difference
- 15 (10%) N/A

11. If funding existed, would you recommend significantly expanding the use of the following programs?

| | <u>YES</u> | <u>NO</u> | <u>N/A</u> |
|---|------------|-----------|------------|
| o drug treatment | 139 (89%) | 7 (4%) | 11 (7%) |
| o vocational training | 145 (92%) | 7 (4%) | 5 (3%) |
| o psychological counseling | 116 (74%) | 23 (15%) | 18 (11%) |
| o religious counselling | 93 (59%) | 37 (24%) | 27 (17%) |
| o literacy and other educational programs | 146 (93%) | 4 (3%) | 7 (4%) |

12. In general, what steps would make prisons more effective in reducing crime?

SENTENCING POLICY

13. Which of the following two statements comes closer to your own view:

42 (27%) To reduce drug-related crime, we must pay more attention to prosecuting drug dealers and users, stricter sentencing, and stopping drugs before they are brought into the U.S.

107(68%) To reduce drug-related crime, we must pay more attention to the underlying causes of crime by providing job opportunities and training, drug education, and treatment for everyone who needs it.

8 (5%) N/A

14. Do you support mandatory sentences of 5, 10, 20 or more years for drug crimes?

- 55 (35%) Yes
- 91 (58%) No
- 11 (7%) N/A

o Why or why not?

REDUCING CRIME

15. If you were in charge of how to spend an extra \$10 million dollars to fight crime in your community, what percentage would you spend on law enforcement and what percentage on prevention? (the total of both should add to 100%).

43 % Law Enforcement

57 % Prevention

16. Which is more effective at reducing crime in society:

123 (78%) increasing the likelihood of being caught, or
14 (9%) increasing the length of prison sentences?
20 (13%) N/A

17. For each of the following proposals, please mark whether they will make a major difference, a moderate difference, or no difference at all in reducing crime in your community or state.

| <u>Major</u> | <u>Moderate</u> | <u>No</u> | <u>N/A</u> | |
|--------------|-----------------|-----------|------------|---|
| 12 (8%) | 63 (40%) | 77 (49%) | 5 (3%) | impose longer sentences for drug <u>users</u> |
| 63 (40%) | 64 (41%) | 25 (16%) | 5 (3%) | impose longer sentences for drug <u>dealers</u> |
| 85 (54%) | 55 (35%) | 13 (8%) | 4 (3%) | impose longer sentences for violent crimes |
| 58 (37%) | 89 (57%) | 4 (3%) | 6 (4%) | increase number of police on the streets |
| 31 (20%) | 56 (36%) | 65 (41%) | 5 (3%) | impose tough gun control laws |
| 55 (35%) | 66 (42%) | 32 (20%) | 4 (3%) | keep schools open at night and all year round to provide supervised activities for kids |
| 112 (71%) | 37 (24%) | 6 (4%) | 2 (1%) | improve educational quality of public schools |
| 103 (66%) | 46 (29%) | 5 (3%) | 3 (2%) | expand number and quality of job opportunities in the community |
| 85 (54%) | 52 (33%) | 17 (11%) | 3 (2%) | expand funding for child development programs, such as Head Start. |
| 97 (62%) | 49 (31%) | 9 (6%) | 2 (1%) | develop programs to teach young parents how to be better mothers and fathers. |
| 5 (3%) | 46 (29%) | 103 (66%) | 3 (2%) | provide more support to the needy, through food stamps, tax benefits, medical care. |
| 61 (39%) | 81 (52%) | 13 (8%) | 2 (1%) | expand use of drug treatment in prison or in the community |
| 80 (51%) | 58 (37%) | 13 (8%) | 6 (4%) | provide a mentor for every kid that needs it |

18. Are there other measures that you think might make a major difference in reducing crime?

FINAL THOUGHTS

19. Do you think that most elected officials in America are offering effective solutions to crime?

15 (10%) Yes
134 (85%) No
8 (5%) N/A

20. If you were elected to public office tomorrow, what would be the first thing you would do to address the problem of crime in our society?

21. Please provide any additional comments here or on additional blank sheets:

THE 1993 FEDERAL CRIME BILL
-- HIGHLIGHTS --

- \$7.9 billion for prison construction
- \$8.8 billion for community policing
- \$1.6 billion for law enforcement and prevention programs to fight violence against women.
- \$5.4 billion for prevention programs
- New Sentencing Provisions, including Three-Strikes-You're-Out"

CONTRACT WITH AMERICA
TAKING BACK OUR STREETS ACT
-- HIGHLIGHTS --

- \$10 billion for law enforcement grants
- \$10.5 billion for prison construction, partly conditioned on a showing that "the state has increased the average prison time actually served in prison"
- Federalizes vast number of local gun crimes, by creating new mandatory sentence for any STATE or FEDERAL drug or violent crime that involves possession of a firearm.

Policy Analysis

No. 208

May 17, 1994

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PRISON BLUES: HOW AMERICA'S FOOLISH SENTENCING POLICIES ENDANGER PUBLIC SAFETY

by David B. Kopel

Executive Summary

The amount of money that American taxpayers spend on prisons has never been greater, and the fraction of the American population held in prison has tripled during the last 15 years, as has national prison capacity. Yet the expected punishment of violent criminals has declined, and violent crime flourishes at intolerably high levels. The seeming paradox of more prisons and less punishment for violent criminals, which means less public safety, is explained by the war on drugs. That war has gravely undermined the ability of America's penal institutions to protect the public. As prisons are filled beyond capacity with nonviolent "drug criminals" (many of them first offenders), violent repeat offenders are pushed out the prison doors early, or never imprisoned in the first place.

As prison crowding worsens, many public officials are embracing alternatives to incarceration, such as electronic home monitoring, boot camps, and intensive supervised probation. Although those alternatives have their place, their benefits have frequently been overstated.

The most effective reform would be to return prisons to their primary mission of incapacitating violent criminals. Revision or repeal of mandatory minimum sentences for consensual offenses, tighter parole standards, and tougher laws aimed at repeat violent offenders can help the state and federal criminal justice systems get back to their basic duty: protecting innocent people from force and fraud.

David B. Kopel is research director of the Independence Institute in Golden, Colorado, and an associate policy analyst of the Cato Institute. A former assistant attorney general for the state of Colorado, he is the author, most recently, of The Samurai, the Mountie, and the Cowboy (Cato/Prometheus, 1992), which was named Book of the Year by the American Society of Criminology's Division of International Criminology.

CAIC
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Policy Analysis

No. 218

November 14, 1994

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CRIME, POLICE, AND ROOT CAUSES

by William A. Niskanen

Executive Summary

This paper presents a statistical analysis of the relations between crime rates and the level of public safety resources, controlling for the major conditions that affect each variable. Major findings include the following.

- Crime in the United States is much higher than that reported to police but has probably not increased over the past 20 years.
- An increase in police appears to have no significant effect on the actual rate of violent crime and a roughly proportionate negative effect on the actual rate of property crime.
- An increase in corrections employees appears to have no significant effect on the violent crime rate and a small positive effect on the property crime rate.
- Crime rates are strongly affected by economic conditions. For example, an increase in per capita income appears to reduce both violent and property crime rates by a roughly proportionate amount.
- Crime rates are also affected by demographic and cultural conditions. For example, the violent crime rate increases with the share of births to single mothers.
- The demand for police and corrections employees is a negative function of the average salary of public employees, a positive function of per capita income and federal aid, and a positive function of the crime rates.

The major policy implication of this study is that, because we have so little knowledge of how to reduce crime, we should decentralize decisions on crime prevention and control, beginning with repeal of the 1994 federal crime law.

William A. Niskanen is chairman of the Cato Institute and editor of Regulation magazine.

CATO
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George F. Will

Peanut's Prison Tale

JESSUP, Md.—Peanut is a man of few words but his gaze can peel paint, and he frowns eloquently about something Congress may do regarding Pell grants.

Peanut's given name is Eugene Taylor. He has spent about half of his 42 years situated as he now is, behind bars and barbed wire, sentenced to life plus 25 years for murder and armed robbery. He dropped out of school in the 9th grade. The school, he indicates, had no strong objection. Sentimentalists who think there is no such thing as a bad boy never met Peanut in his misspent youth.

In his well-spent years in prison he has passed the eight-hour examination for a high school equivalency certification, and using Pell grants he has taken enough courses for a com-

Congress should think twice before revoking education grants for inmates.

munity college degree. But a provision of the crime bill the Senate has passed would make prisoners ineligible for such grants, which subsidize post-secondary education for low- and moderate-income students.

The day Sheriff Clinton addressed Congress, which is chock full of would-be Wyatt Earps hot to be deputized for this latest fight-to-the-finish against crime, Peanut and some other prisoners who have benefited from Pell grants sat around a table expressing emphatic disagreement with the Senate. Douglas Wiley (first-degree accessory, rape and burglary and armed robbery), Willie Marshall (rape), Michael Postlewaite (rape), William Blackston (drug distribution), and Tim Sweeney (murder and armed robbery) are where they belong, serving long sentences. But most of them will be paroled someday, some of them soon, as they think of soon: before the year 2000.

Before intellectual fashion changed, prisons were called penitentiaries. They were places for doing penance and not much else. Today Peanut and his associates are in what Maryland calls a "correctional institution." But "correcting" criminals is hardly a science and not frequently a success. Nationally the recidivism rate three years after release is about two-thirds.

In withdrawing Pell grants from prisoners the Senate may have been grandstanding and chest-thumping, but it also was responding to scarcity. Demand for grants exceeds supply, so why should convicts be served when young people on the outside, whose parents pay taxes to pay for prisons, are not served? An answer may flow from this fact: 97 percent of all persons now incarcerated will someday leave prison.

Do Pell grants for prisoners "work"? Is educational attainment in prison a predictor of post-prison success? That is hard to say.

The prisoners joining Peanut around the table are a self-selected set of achievers, not a representative sample of the prison population. There are data showing that education in prison correlates with reduced recidivism. But that data may show only that the character traits that cause a prisoner to take advantage of prison opportunities would in any case dispose those persons to re-enter society successfully.

Furthermore, the culture of a prison is complex. In a spirited essay, prisoner Postlewaite suggests, as the other long-term prisoners at the table do this day, that short-termers are giving convicts a bad name. Many short-termers regard prison as a rite of passage, a mere hiatus in a career of crime. They have no incentive—the incentive of long sentences—to buckle down to self-improvement.

"Look at the behavior of the majority of inmates," writes Postlewaite. "You would think that they were at the community recreation center. All of their friends, relatives and homeboys are right there with them, and they are just as cheerful as they were in the streets." Having spent their short sentences watching television, playing basketball and making collect phone calls, they leave prison having "no fear or bad feelings about coming back."

The logic of Postlewaite's argument is that the most promising candidates for Pell grants are serving long sentences. But they are often in for the worst crimes. That is not politically congenial logic.

Prisoners who enroll in education programs get time cut from their sentences. Some acquire a disquieting fluency with the patois of pop sociology—"enhancing self-esteem" and "understanding societal norms"—that parole boards may find soothing. One feels at best ambivalent when someone convicted of a heinous crime says that education "has made me feel good about myself."

But Peanut does not talk like that. And Congress should consider the fact that Peanut may be at large in a few years, at which time Baltimore's streets, which he left long ago, may be a bit safer than they would be if he had not acquired some social skills with the help of his Pell grant.

SPECIAL REPORT

Mandatory drug sentences lead to inequities

Rules force jails to free violent felons

By Nancy E. Roman
THE WASHINGTON TIMES

New research suggests that mandatory minimum prison terms, coupled with tough new sentencing guidelines, force violent criminals onto the streets and keep low-level drug offenders in jail.

Take Nicole Richardson.

The 17-year-old high school senior fell in love with Jeff Thompson, a drug dealer who sold cocaine and "ecstasy," a combination of synthetic mescaline and an amphetamine, which produces short-term euphoria.

Shortly after the two started dating, he began selling LSD.

When the federal drug enforcement agents caught one of his suppliers, he informed on Jeff as part of a deal to get a reduced sentence. Undercover agents then telephoned Thompson's home, where Richardson answered and told the agents where to find Thompson to pay him for drugs.

In 1992, when Richardson was in college, she was arrested and charged with conspiracy to distribute and possess LSD with the intent to distribute. Now 20, she is serving a mandatory minimum 10-year sentence in federal prison. Thompson went to prison for five years.

"In all of my experience with guidelines, this case presents to me the top example of a miscarriage of justice," said U.S. District Judge Alex T. Howard Jr. of Alabama, appointed by President Reagan in 1986.

Or take Johnny Patillo, 27.

One day a neighbor offered to pay Patillo \$500 to take a package to a Federal Express office in Los Angeles and send it to Dallas.

Patillo, manager at a cable television company, agreed to send the package to Dallas even though he knew it contained illegal drugs. He did not know which type or the amount of drugs in the package.

Patillo was arrested and charged with possession with intent to distribute crack cocaine. He was sentenced to a minimum of 10 years in federal prison, based on the weight of crack cocaine in the package — 681 grams.

Judge J. Spencer Letts, a Reagan-appointed federal judge in California, said the case made him face his most difficult decision — "between my judicial oath of office, which requires me to uphold the law as I understand it, and my conscience, which requires me to avoid intentional injustice."

He said if the package had contained another amount and type of drug, Patillo may have been sentenced only to probation.

"Under this sledgehammer approach, it can make no difference whether [the] defendant actually owned the drugs with which he was caught," Judge Letts said. "Or whether, at a time when he had an immediate need for cash, he was slickered into taking the risk of being caught with someone else's drugs."

Justice by the gram

In 1986, Congress enacted tough laws that require drug offenders to serve non-negotiable minimum sentences based on weight and

Under these laws, someone dealing in 50 grams of crack cocaine — less than 4 ounces — gets a mandatory minimum sentence of 10 years. If there is a prior conviction of any felony drug offense, a dealer gets a mandatory minimum sentence of 20 years. Under these mandatory minimums, judges are not allowed to even recommend a sentence less than the assigned minimum. Parole boards may not let those convicted out.

By contrast, under federal sentencing guidelines, kidnappers get between four and five years in prison. Those who commit voluntary manslaughter go to prison for between 4½ years and six years. Assault with intent to commit murder gets from 5½ years to eight years and one month.

Under mandatory minimums, record numbers of drug offenders are being locked up. (In 1992, states sentenced to prison 102,000 drug offenders and 95,300 violent offenders.) But statistics show drug use and dealing is holding fast.

Meanwhile, violent crime is on the rise and many judges, law enforcement officials and policymakers are beginning to conclude that prison space would be better used to incarcerate violent criminals than to lock up the likes of Richardson and Patillo.

"The public doesn't see any redeeming value in drugs per se, but an increasingly large percentage of the population is coming to the conclusion that the drug war is a greater threat to them than drug possession by someone in their neighborhood," said David B. Kopel, research director of Independence Institute, a think tank in Golden, Colo., that advocates a free market and limited government.

Mr. Kopel, a former New York prosecutor, has published a 62-page report called "Prison Blues: How America's Foolish Sentencing Policies Endanger Public Safety," in which he argues that federal prisons devote too many resources to drug offenders, at the expense of incarcerating violent criminals.

He said that although his research was based on the federal system, its conclusions apply to state prisons, too, where most of the violent criminals are incarcerated.

"If a society is so intent on sending first-time drug vendors to prison that first-time muggers often do not go to prison, should it be surprising that burglary and mugging increase?" he asks.

Oddly disparate groups are coming to the same conclusion. Reagan- and Bush-appointed judges have opposed mandatory minimum sentences for drug crimes, as has the American Civil Liberties Union. Lee Brown, the Clinton-appointed director of the Office of National Drug Control Policy, opposes mandatory minimum sentences. So does Edwin Meese III, who served as attorney general under President Reagan. Many pro-gun groups oppose mandatory minimums.

"I don't see the point of cluttering up the prisons with a lot of these drug offenders when a lot of them aren't violent criminals anyway," said Larry Pratt, executive director of Gun Owners of America. "If they are not in there for an act of violence, I personally don't believe they should be in jail. Why should I be paying for them?"

Rethinking the war

Mr. Pratt says just 10 years ago, he was fully behind the "war on drugs."

"It's not a pretty idea to have people destroying themselves with drugs," he said. "But I've come to the conclusion that to the extent that it affects me, there are ways to deal with a guy blowing his brains out with pot."

Not necessarily so with a rapist, or an armed robber or a murderer, he said.

In his report, published by the Cato Institute in May, Mr. Kopel tells the story of Kenneth McDuff.

In the early 1980s, McDuff murdered two teen-age boys, raped a girl and snapped her neck with a broomstick. During his trial, law enforcement officers testified that McDuff would kill again if given the chance.

"In 1989, the war on drugs gave McDuff the opportunity," Mr. Kopel narrates.

Although Texas had doubled its prison capacity in the 1980s, it also quadrupled its incarceration of drug offenders. To cope with the increased number of prisoners, the state parole board made it easier to qualify for parole and let McDuff out in 1989.

"Three days later, the naked, strangled body of his first new victim was found," Mr. Kopel says.

McDuff was arrested a year later. He was charged with three murders and investigated for six more.

"Mandatory drug minimums have led to reduced punishment for violent crime," Mr. Kopel says matter-of-factly.

Focus on time equity

Mr. Kopel draws on the work of Morgan Reynolds, an economist at Texas A&M University who studied average sentences in Texas. He found that the average time served by violent offenders in Texas dropped from 28 months in 1985 to 24 months in 1991.

His research also showed that the average murderer could expect to serve less than two years in prison; the average rapist, about 23 days.

Patrick Langan, senior statistician with the U.S. Bureau of Justice Statistics, said those figures are artificially low because they include murderers who are never caught and thus get no sentence at all.

When those cases are eliminated, the average time served for murder is more like four years.

Nonetheless, he said, it is clear that politicians and law enforcement have devoted more resources to fighting drug crime. From 1986 to 1990, police increased the number of arrests for drug trafficking by 75 percent. During that same time, they doubled the arrests for trafficking in cocaine and heroin.

In 1987, 36 of every 100 drug convicts went to prison. In 1990, 49 percent were incarcerated.

According to the U.S. Bureau of Justice Statistics, the sentences for robbery, rape, kidnapping and property crimes fell between 1980 and 1990, while the prison sentences for drug offenses nearly doubled.

Mr. Langan said looking at time served in a common set of states between 1988 and 1992, the average time served for robbery was 40 months. It is now 37. Average time served for assault dropped from 24 months to 22 months. Time served for violent offenses in the aggregate dropped from 38 to 36 months. At the same time, time served for drug offenses climbed

from 15 months to 16 months. Time served for kidnapping climbed from 40 to 45 months.

While prison space tripled over the past 15 years, the number of violent offenders incarcerated is about the same or lower.

"The people of the United States have paid a tremendous amount of money for this tripling of prison capacity over the past 15 years," Mr. Kopel said. "They are entitled to better than a system that incarcerates about the same number of violent criminals. It ought to be incarcerating three times as many [violent] criminals."

Degrees of criminality

He said if you envision a prison as a crowded room, you can imagine that as more people get pushed into the front door, some must be let out of the back door.

Because mandatory minimum sentences prevent parole boards from releasing drug offenders before their sentences are served, they are sometimes forced to release an armed robber or rapist instead.

"Take away their discretion to let out a drug offender and they may have to let out the nonrepentant rapist with a 10-to-20-year indeterminate sentence," he said.

Ralph Adam Fine, a judge for the Wisconsin Court of Appeals in Milwaukee, cautions against making policy based on anecdote. "One can always find anecdotal evidence that will shock and horrify," he said, adding that incarceration is the only effective way to deter crime, including drug dealing.

"If society wants to legalize the stuff, then we'll have lots of room in the prisons," said the author of "Escape of the Guilty." "Absent that, I think we've got to build more."

He said locking up drug dealers and users prevents crime because dealers often commit other crimes like robberies and burglaries.

"You get this creep who isn't dealing drugs for the moment," he said. "He's not watching the 'McNeil/Lehrer Report,' he's out there burglarizing."

He said tales of low-level offenders locked away for unusually long prison terms sometimes sound worse than they are. For example, many of those listed as "marijuana only" offenders were actually caught using or dealing in more serious drugs and negotiated a lesser offense.

"However, that said, this hysteria that has been whipped up has led to what I consider to be a lack of proportionality in sentencing," he said. "A civilized society does not send someone to prison for 30 years for marijuana dealing and send murderers and rapists to prison for five years."

Drug hysteria

So how did this happen? It was the summer of 1926 and the country was obsessed with a new drug called crack cocaine — said to produce a high more intense and addictive than powder cocaine for less than half its cost.

Late in June, Len Bias, the University of Maryland basketball star, died of a drug overdose, and the obsession became a frenzy. Drugs seemed to be an indiscriminate destroyer.

"Everyone was in shock at the death of Len Bias," said Eric Sterling, president of the Criminal Justice Foundation. "This drug was hyped as the great new devil drug of our times."

Against the backdrop of Mr. Bias' death and the crack hysteria,

House Speaker Thomas P. "Tip" O'Neill returned to Washington after a district work period and announced that Congress would put together an omnibus anti-drug bill, recalls Mr. Sterling, who was then majority counsel to the House Judiciary Committee.

"He was looking to the elections and recalling that the Democrats had been beaten up the month before for being soft on crime," he said.

Mr. Sterling said committee staff cobbled the anti-drug package together out of existing bills (such as one that allowed the Drug Enforcement Administration to go after designer drugs) and a handful of new ideas. One of them was mandatory minimum sentences,

Under mandatory minimums, record numbers of drug offenders are being locked up.

aimed at sending a message that society would not tolerate drugs — especially crack.

"I drafted the mandatory minimum sentences; they came out of my word processor," Mr. Sterling said. "And I know how quickly they were written and that they were not well thought out."

For example, penalties are assigned based on the weight of the drug and drug carriers. So the sugar cubes carrying LSD get weighed along with the drug itself.

Mr. Sterling said the biggest problem with the mandatory minimum laws is they snag "conspirators" — girlfriends, family members, anyone who might know about drug deals — and hold them responsible for the full weight of the drug involved in the crime.

The only exceptions to mandatory minimums are for those who exchange information about another's involvement for a lesser sentence.

Julie Stewart, president of Families Against Mandatory Minimums (FAMM), said that's why so many low-level offenders clog the prisons.

"The kingpins do the least amount of time," she said. "The only way to circumvent the minimums is to inform, and the person who is the most culpable has the most information to exchange."

Ms. Stewart founded FAMM in 1991 after her brother, Jeff Stewart, was sent to federal prison for five years for growing 375 marijuana plants with two friends.

The plants were 2 inches tall when he was arrested, and Ms. Stewart said he and his friends had hoped to end up with about 4 pounds each of marijuana.

But two men who were renting Stewart's house told a neighbor about the marijuana. The neighbor reported them to the police. When police arrested the tenants, they told of Stewart's enterprise to avoid prison. Despite prior felony convictions, they got probation because they gave up information leading to another's arrest.

Now Stewart, a former construction worker, is serving his fourth year in prison.

"Prisoners cost \$20,000 a year. My brother is costing the taxpayer \$100,000. It's nuts," she said. "I'm not against punishing these people, but the sentences should be realistic."

Taking a second look

Rep. E. Clay Shaw Jr., Florida Republican, who fought for mandatory minimums as a member of the Judiciary Committee in 1986, said it may be time to reconsider them.

"We were doing the right thing at the time," said Mr. Shaw, who represents a South Florida district that stretches 91 miles from West Palm Beach to Miami. "We were drowning in the drug problems we were having.

"In passing those laws, we were attacking what we felt like was a problem in the system. There was too much plea-bargaining going on," he said. "That doesn't mean that we can't go back and look at what we've done — particularly if we are releasing violent people.

"In politics as everything else, people have to take a look at what they did, and if they think they made a mistake, correct it," said Mr. Shaw, who served on the Select Committee on Narcotics Abuse and Control before it was abolished this year. He said the hope was that stringent sentences would deter drug use and dealing. Now he suggests that Congress take a look and see whether it has.

Mr. Brown, the drug-control director and former undercover narcotics cop in New York City, said he doesn't think so.

"The intent was noble, but the results are not," he said. Although casual use of drugs — defined as once a month or less — is down slightly, hard-core use is on the rise, he said.

Mr. Brown sees two problems with mandatory minimum sentences:

- The racial disparity that results from harsh sentences for crack cocaine. Although 64 percent of cocaine is consumed by whites, as opposed to 26 percent by blacks, he said more blacks go to federal prison for cocaine offenses.

- Too many people go to prison for minor possession of drugs, while more serious violent offenders are let out.

But, Mr. Brown said, politically it is unlikely that members of Congress, who want to appear tough on crime and drugs, will vote to reduce sentences for drug dealers.

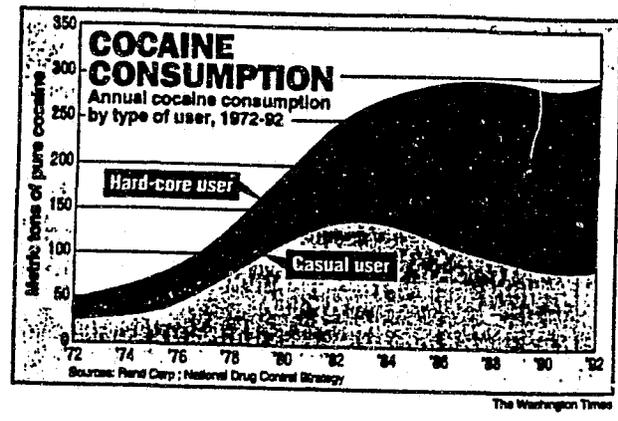
"I can't see that," he said.

To illustrate, in last week's bloody battle for a crime bill, Republicans targeted a provision that would allow judges out from under mandatory minimums when sentencing first-time offenders. Under the original bill, the provision was retroactive.

Critics said the provision would turn 10,000 drug criminals onto the streets. In fact, because the provision allows judicial review of sentences, the number would be closer to 1,600, according to Mr. Sterling. Part of the deal struck to bring Republicans on board the compromise crime package that passed the House on Sunday was to strip from the bill retroactive review for first offenders sentenced under mandatory minimums.

Mr. Kopel said the actual numbers are not that important, because any prison beds not taken by dope dealers would be free for violent criminals.

"Right now we have a system where a third of the people coming in are drug offenders, as opposed to 7 percent in previous years," Mr. Kopel said. "Would we be safer if the percentage of drug offenders went down and the percentage of violent offenders went up?"



United States Senate

WASHINGTON, DC 20510-1302

WARDEN/ADMINISTRATOR SURVEY: OVERVIEW OF WRITTEN COMMENTS

GENERAL COMMENTS

In the comments they volunteered as part of the survey, many wardens expressed sharp differences and acute concern about the way politicians are responding to crime.

"We are not paying thoughtful attention to the 'crime problem.' We are continuing to react emotionally rather than rationally to it. The so-called 'debate' in our country regarding it does not present much except the extremes. . . . We go the path of least resistance (more punishment is better) because it is emotionally satisfying. We are headed for a less humane prison environment and one which will confirm for even more inmates that 'society,' not just individuals within it, hates them. I think that we will have even more people turning determinedly criminal in behavior and orientation because of this. What we are doing is emotionally satisfying but silly." (See survey 142, 21)

"I feel this nation is at a serious crossroads, and we are letting the sideshow eat up the circus. There are no simple answers, but our political leaders need to take the stands which may not be popular but require educating our nation to what is right and best for our future." (131, 21)

"I have a major concern with the political rush to lock more people up and stop programs such as the Pell Grants. I question whether we're moving forward in the future to help people or going back to the dark ages where the "lock them up" theme destroyed many of our youth that we could have helped." (139, 21)

"Laws are made normally by people in positions who never, or who are usually never, placed in the position to break those laws. Being in moderate contact with people they respectively represent would lend some light to their lifestyles, problems, and to what is needed for them to survive." (1, 21)

SENTENCING

Wardens urgently warn policymakers that sentencing practices fail to make intelligent distinctions among prisoners.

"I believe that the approach of getting tougher on crime is really a lot of tough talk without facing the real problems. . . . I believe there needs to be a sorting out of violent crimes from nonviolent crimes. Incarceration is not the absolute answer. Some offenders do not need incarceration while others should never be released." (7, 20)

"Because of overcrowding, certain nonviolent criminals are not receiving adequate rehabilitation efforts and are allowed to slip through the system, without the incarceration having significant impact as a deterrent. We must do more than warehouse people." (76, 8, 12)

"What should be done to reduce crime? Educate the public as to the true crime picture, on how much we are spending on minor criminals" (95, 20)

Many describe what they see as the need to increase the use of alternatives to prison for nonviolent offenders.

"I would stop the useless political posturing about getting tough on crime and making life more miserable for prisoners (i.e., taking weight-lifting out of prisons). I would try to divert more resources toward community-based corrections that can begin to address the problems of crimes in ways other than prison. I would try to redirect funds toward programs that seek to provide every citizen the realistic opportunity for a decent life in clean, safe and humane surroundings." (23, 20)

"Initiate legislation to expand alternatives to incarceration for nonviolent offenders and long-range legislation to address issues such as child care, after-school care, financial support for mentor programs, legislation directed at neighborhood drug dealers and specific education, counseling and prevention programs for youths 12 years and under." (37, 20)

"I feel that prisons should be used to house the most dangerous and serious type of offenders. We should attempt to utilize alternatives to incarceration where possible. Prisons can not rehabilitate of and by themselves, but should provide opportunities for the offender to change his/her life direction." (131, 12)

A sizable proportion of wardens oppose mandatory sentences. Their reasons vary.

"The persons apprehended for committing most drug-related crimes aren't even thinking of the time or the consequences, so tougher sentences aren't going to deter them. They are just thinking about meeting their needs, getting high." (110, 14; see also survey 7)

"Mandatory sentences are an easy answer that does not take into account the many variables from an actual criminal event. Judges have the ability to make the appropriate decisions." (95, 14; see also survey 77)

"All these sentences do is punish the low-level dealer and user/abuser of drugs. Typically, the exporter/importer of large quantities of drugs and the money launderers are never caught and/or punished." (11, 14)

"The users, not the pushers, end up in prison serving the mandatory sentences." (2, 14)

"Mandatory sentences for certain offenses, notably drug use/possession/sales, are largely responsible for overcrowding. For 40 years in Pennsylvania, the prison population was pretty much static. In the past 12-14 years with the introduction of mandatory sentences and reduction in judicial discretion, our population has gotten out of control. This is due to public policy and the politicizing of crime." (141, 14)

{Even many of those who supported mandatory sentences said that they endorsed them only for dealers, not for users. See, for example, survey 3, 4, 5, 8, 14.] }

Wardens raised an additional argument against mandatory sentences: They reduce an administrator's control over his or her prisoners.

"Mandatory sentences do not provide corrections staff leverage to control inmate behavior. Violent criminals are more suited to mandatory sentences than drug offenders are." (33, 14)

"Mandatory sentences are unnecessarily harsh and long -- they crowd prisons with nonviolent prisoners and offer no incentive for the inmates to work toward early release." (19, 14)

PRISONS

Wardens stress the need to teach prisoners vocational skills and work ethics in prison.

"Target programs within institutions toward giving inmates relevant work skills that relate to the community where they are released: education, vocational and life skills programs that are state-of-the art and relevant to the social environment. Provide substance abuse treatment and other psychological programs that have accountability and mandatory compliance checks built in." (37, 12)

'Allow for provision of more and better education programs

-- particularly vocations which would impart skills where participants could find meaningful work upon release. Also, better and expanded psychological counseling programs which require the offender's participation throughout his/her incarceration if the sentence is less than life." (94, 12)

"Establish a strong work ethic in all inmates before allowing parole. If the inmate will not work in prison, why should anyone believe he/she will in work in society? All law-abiding citizens work." (51,12)

{More generally, a number of wardens stressed the need to improve the way prisoners are prepared for the transition back to the community. See surveys 12, 21, 23, 56. Others emphasized vocational training. See surveys 3, 5, 6, 11, 19, 40, 63.]

Many cited the need for improved staffing and services in prison.

"Hire selected, trained and paid staff with commitment to fair treatment and rehabilitation programming. Treatment emphasis (substance abuse, psychological, mental, medical, educational, and religious, etc.). Should be given true equality with 'security.' Building more 'habitable' institutional living environment. Increased community participation (volunteerism)." (60, 12; see also surveys 43, 119)

PREVENTION

Some wardens warn that the nation is relying too much on the criminal justice system simply to punish crime and not enough on programs to prevent it in the first place.

"I believe that we know all we need to know about what causes crime. It is not simple, yet the solutions have been identified. Government, at best, can respond after the fact via the Criminal Justice System; the real challenge lies 'before the fact' in terms of prevention. This encompasses all of the institutions in society which are now (and have been), besieged: the individual, the family, the school and church. All of these are either dysfunctional in part, or seen as 'irrelevant' amidst today's values and culture." (134, 20)

"Pray! The basis for criminal behavior has so many varied causes that are so ingrained in our culture that a multi-faceted, long-term approach will be necessary to significantly reduce crime. Crime is a symptom of our sick culture. Longer sentences, more prisons, capital punishment, etc. will not make a difference and will waste time and money. We need to convince people that there is something more meaningful than money, drugs, power and influence over others, etc." (98, 20)

Many wardens underscore the need to target the early years of a person's life in order to reduce crime.

"Put as much or more money into early intervention as we are putting into police and prisons." (12, 20)

"There needs to be a greater commitment to work with children and families in our community -- better education, family planning/family development, structured programs for all ages in the area of recreation and development courses, more counseling programs, drug programs, etc. Unless we, as a society, start to deal with the problems early in life, the need for prisons will grow." (83, 8)

"Provide alternatives to crime for all young people from the day they are old enough to leave the house. Put the best teachers and equipment into the schools in the inner city where the children need the help the most. Put the best recreational programs in these areas. Concentrate enough law enforcement resources there to make the streets safe to walk on. Build neighborhood PRIDE. Provide jobs. Do not hand out money for nothing. Food, clothing, lodging should be earned. Gifted students should be provided a free education through college." (45, 20)

"Improve accessibility for child development programs, and provide supervised child care facilities for shift workers, low-wage employees, and single parents. Accountability system must be put into place to ensure only qualified people receive food stamps, childcare, etc. . . . More work programs should be developed for welfare recipients." (52, 18; see also surveys 29, 47, 65, 73, 117)

Wardens often cite jobs as the key to rehabilitation.

"Jobs, jobs, jobs, for all levels, young and adult." (157, 13)

"Prisons must reflect society. If opportunity exists in society, then prisons can prepare inmates for those opportunities. If opportunities do not exist, then prisons will not be able to offer change." (150, 12)

Better educational opportunities are another commonly cited ingredient for an effective crime-fighting strategy.

"Additional prisons are needed, but that is not the only answer to what we are faced with in today's society. I am of the strong opinion that more revenue should be generated to go into education. Education is the key. . . from Grade K to bachelor's. . . So much attention is being focused on criminal justice that say to our leaders of tomorrow -- by the time you are 15 years of age we have a cell awaiting

you. . . . No encouragement, no incentive for achievements.
. . . . All the doom and gloom is being focused on crime. .
.if you break the law. . .this is what will happen to you. .
. . Let's turn that around. . .if you graduate from high
school/college. . .this is what you can become. . .we need
to go back to basics: the family, the home, the church, and
the school." (61, 21)

"Youths need to be constantly exposed to an environment that
fosters ideals and behaviors of successful people. Youth
mentors have been quite successful in private sector
involvement with troubled youths and would be a wise
investment of public funds. Welfare reform to include
incentives for education and vocational training and remove
incentives for illegitimacy and continued poverty. The
average of \$24,000 spent each year to house and maintain an
offender in an institutional setting would be more wisely
spent putting a troubled kid in the best schools and funding
a complete education so they can understand the society in
which they live and are able to cope and compete in the work
force." (37, 21)

One warden of a women's prison endorsed the Family Unity
Demonstration Project, included in the Crime Bill by Sen. Paul
Simon and cosponsored by Sen. Dave Durenberger:

"What will help reduce crime? Keep non-violent female
offenders and their children together in the community. . .
." (25, 18)

OTHER COMMENTS AND THEMES:

- Personal responsibility and values are critical (18, 21,
26, 27, 21, 69, 80, 103)
- Prisons don't reduce crime, they just incapacitate (e.g.
surveys 47, 121, 123, 134)
- Tougher juvenile sentences are needed (e.g. 28, 31, 46)
- Prisons are too pleasant (e.g. survey 69, 70)
- Parents should be held accountable for children
(e.g. 53, 79)
- Prisoners have too many rights (e.g. 130)

A minority of wardens surveyed called for tougher sentences and more incarceration while also recognizing an important role for prevention.

"Make the prison an uncomfortable place to be (not brutal). Third-time offenders [should] get life without parole. Require offenders to get G.E.D. and/or vocational [training] before release. W.P.A.-style work camps for those who can't get a job. Supervise probationers and parolees daily/weekly." (58, 12)

"Privilege should be given according to achievements. Repeat offenders should do hard time. I find that too many youthful offenders are not threatened by prisons. Part of the sentence should structure a program. Learn a viable skill or trade that can lead a potentially productive person to support themselves and be responsible for their obligations." (137, 12)

"I believe it's a degenerative society issue of the nation. Change requires a nation that shares and takes care of its people no matter what their economic status or race. We do not! It also takes leadership to say to the whiners of society, 'We ain't going to baby you any longer. Pull your fair share and don't violate the laws of society or we will deal with you effectively.' I would have a police force, courts and corrections system to back up my intent." (78, 20; later in survey, this warden also expressed strong support for improved education)

MORE INCARCERATION

Some wardens followed voiced support for longer or more strenuous sentences.

"I support the use of corporal punishment as a deterrent to crime. Repeat (habitual) offenders must be removed from society. To reduce violence in prison we must increase staff and provide programs. Thank you for the opportunity to respond." (38, 21)

"All young adults (i.e. 17, 18, 19 yrs.) that have a long history of juvenile crime, school problems, violence, little or no family or community support, should be given ten years flat. Result would be 1) Less community victims for ten years; 2) Better chance to socialize; 3) Improve community environment; 4) Better chance to stay alive; 5) Reduce court costs; 6) Reduce impact on other community services." (75, 18)

"There is a very destructive mythology that attributes criminal behavior either to 1) societal causation or 2) the 'something's missing' theory. Under this myth, people

become criminals because of economic problems or because they are educationally disadvantaged, lack job skills or are psychologically maladjusted. The reality is that most criminals are quite normal people who consistently make very destructive choices, lack personal discipline, and deny personal responsibility for their behavior. The prevailing myth system relating to rehabilitation is not only ineffectual, but reinforces the notion that offenders are society's victims and cannot really be held to answer for their actions. The preoccupation with why they do what they do obscures the need to deal with what they do. 'Understanding' thus becomes seemingly more important than deterring or punishing unacceptable acts." (156, 21)

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