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Getting a handle on inmate growth

Tinkering no longer enough

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You can understand the sense of urgency regarding Colorado's prisons: In the 20 years ending in 2005, the state's inmate population quadrupled. It has continued to balloon since, and is projected to reach 25,000 prisoners by 2009 - a 25 percent jump just from '05.

Obviously something's got to give. Prisons are poised to be a budget buster even with the massive amount of new revenue available for capital construction thanks to Referendum C.

That's why we're sympathetic to the Colorado Lawyers Committee's request that the legislature form a commission to consider reforms to sentencing laws that go beyond the usual tinkering. After all, growth in the corrections budget has hardly been a secret in recent years, yet little has been done to slow its rise.

As long ago as 1993, lawmakers were wringing their hands over the galloping costs of corrections. But the only legislation proposed that would have actually reduced the need for prison beds, such as one bill cutting all sentences in half, were far too ham-handed and thankfully died.

In case you're wondering, since '93 the state prison population has more than doubled.

The experience of '93 does suggest one lesson for today, though: Although wholesale sentence reductions may be the simplest remedy, that solution is rightly beyond the pale. With few exceptions, the tough sentencing laws passed in the past quarter century address popular concerns. The public simply has no patience with violent or repeat offenders and expects them to serve serious time.

But that hardly means the task of reform is hopeless. A report by the Colorado Lawyers Committee points to other states that have slowed down the growth of inmate populations without simply throwing open cell doors. And legislative leaders have some ideas, too. "Are we doing everything we can," House Speaker Andrew Romanoff asked Friday, in terms of mental health treatment, drug counseling, literacy and other rehabilitative services. The answer, he emphatically offered, is no.

Any major reforms should start with a clear idea of who exactly is now locked up - an analysis that needs to go beyond a prisoner's most recent conviction. "Are we putting the bad guys away long enough? Are we putting the not-so-bad guys away too long?" asks Denver lawyer Jim Scarboro, a leader of the lawyers committee task force on prisons. "I don't know."

Some critics believe the problem is merely that the state imprisons too many nonviolent felons. For example, a 2005 study for the Independence Institute decries "decades of irrational sentencing policies for non-violent and consensual drug offenses. In 2003, drug offenders made up 22 percent of new adult court commitments to Colorado's prisons. . . "

Ah, but what were those offenders' criminal histories? And what other charges were dropped before they accepted a plea bargain? It's not easy to wind up in a Colorado prison cell as a nonviolent offender. Usually you've got to work at getting there.

Still, the study may well be right that the state should be diverting more offenders who now are sent to prison to less costly oversight. It's well past time for the state to figure out its options - and to act on them.

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