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Colo. eyes sentencing panel

Other states offer valuable lessons, plan supporter says

By Sue Lindsay, Rocky Mountain News
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North Carolina once had the highest incarceration rate in the country, but it slashed its prison population by more than 50 percent from 1993 to 1997 after making changes in its sentencing laws.

Colorado should look to the success other states have had as it considers forming its own sentencing commission, said Jim Scarboro of the Colorado Lawyers Committee and author of a report recommending the establishment of a commission here.

"No two states are exactly alike," Scarboro said. "What works in North Carolina may not work in Colorado."

But Colorado needs to gather information, examine options and attempt to learn from other states' successes and failures, he said.

Seventeen states have sentencing commissions in place and others are considering them.

North Carolina established its commission in 1990 in the face of an imminent corrections budget crisis.

After three years of study, the legislature adopted a "structured sentencing system" based on sentencing guidelines, which made sentences for violent offenders more severe, abolished parole and increased the use of nonprison sanctions for nonviolent offenders.

North Carolina used a computer model to compare the costs of maintaining the status quo with a variety of changes, Scarboro said.

By the late 1990s, the state's incarceration rate - once the highest in the country - had dropped to 31st in the nation. From 1993 to 1997, the state's crime rate dropped 12.5 percent, according to the sentencing commission report.

Following recommendations from their sentencing commissions, Virginia and Kansas also abolished parole, increased sentences for violent offenders and turned to prison diversion programs.

The Colorado Lawyers Committee report does not make specific recommendations for changes, but it suggests that a commission should study whether reduced sentences or nonprison sanctions could be used

for nonviolent offenders, including low-level property and drug offenders, older offenders, female offenders and parolees returning to prison due to a technical violation of their release conditions.

The report notes that female offenders and aging inmates pose a lower risk for reoffending.

It also notes a dramatic increase in the number of parolees returning to prison for violating conditions of their release. Between 1997 and 2004, the number of parolees returned to prison for a technical violation increased 142 percent, from 950 to 2,300, the report said. They made up more than 28 percent of total prison admissions in 2004.

The report also suggests increased the use of probation, community corrections and other nonprison programs.

Adams County District Attorney Don Quick, who is president of the Colorado District Attorneys Council, said he supports the idea of a sentencing commission, but said sentencing-reduction schemes must be examined carefully.

"We need to get an accurate picture of who's being sent to prison before we send them out the door," he said. "We need to look at the history of those people before you say they don't pose a public-safety risk."

Quick also said the state needs to do a better job of providing job training and drug treatment to prisoners who are being released. He notes that 80 percent of inmates have substance-abuse problems.

"Colorado has a 50 percent recidivism rate," Quick said. "We've got to do a better job on re-entry."

In contrast, Quick said, the state's Youthful Offender System, which deals with some of the most violent young offenders, has a 20 percent recidivism rate.

He attributes the difference to the fact that YOS still provides programs for offenders, while most of the funding for adult prison programs has been cut.

Everyone agrees that the state can't continue to pay for more and larger prisons, Quick said.

"The reason this hasn't been solved is because it is a complicated issue, but it's clear that we cannot keep the status quo," he said. "We need to keep the public safe and look at better coordination and funding of resources so we can turn down the faucet on the front end and not just build a bigger bucket."

Colorado prisons by the numbers

Costs

- Per prison bed: Between \$40,000 and \$90,000 to build
- To house an inmate: \$26,000 annually

- Community corrections housing: \$12,900 annually per inmate

Population

- 1985: 4,000
- 2005: 20,000
- 2009 (projected): 25,000
- Estimated need for new prison beds each year: 1,000

Department of Corrections budget

- 1985: \$57 million
- 2005: \$533 million

18 Colorado's national ranking for its state incarceration rate

438 Number of inmates per 100,000 residents in 2004

358,000 Number of U.S. prison inmates in 1970

2.3 million Number of U.S. inmates in 2004 *Source: Colorado Lawyers Committee*

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