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Prison sentencing faces scrutiny

Reform may halt soaring hike in inmate numbers

By Ann Imse, Rocky Mountain News
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The state legislature will look at reforming Colorado prison sentences this session, breaking a longtime taboo in state politics.

"We will make a significant attempt at some kind of sentencing reform," Rep. Terrance Carroll D-Denver, chairman of the House Judiciary Committee, said Friday. He said his committee would be looking at a recent report from the Colorado Lawyers Committee that called for creation of a sentencing reform commission to propose changes.

Carroll said the state's new Democratic governor, Bill Ritter, is interested. Evan Dreyer, the governor's spokesman, said Ritter, a longtime prosecutor, "is interested in taking a closer look at many aspects of the criminal justice system," with emphasis on reducing recidivism.

Seventeen other states are pursuing sentencing reform. But former Republican Gov. Bill Owens, and the Republicans who ran the Colorado legislature for years, would not consider it.

Carroll spoke after a news conference about halting Colorado's soaring growth in prisoners. The gathering brought together a disparate group of supporters, including the free-market Independence Institute, Democratic legislators, the sheriff from conservative Colorado Springs and prison reformers.

The state expects to add more than 6,000 prisoners by 2011, requiring \$800 million in prison construction.

That figure is more than twice the amount Colorado expects to have for all capital construction other than roads during that period of time. A number of officials have concluded the state cannot afford it.

According to Christie Donner, director of the Colorado Criminal Justice Reform Coalition, the reasons for the rise in inmate population include:

- Many prisoners serving longer sentences.
- Prisoners not being released early on parole.
- Prisoners returning to prison on parole violations and on new charges .

Ritter has said reducing recidivism is a primary goal for his administration, to both reduce new crimes and prison costs.

Carroll called state sentencing laws "byzantine" because they are so complex. Lawyers and judges often debate in court how indecipherable laws interact to mandate a particular sentence, said Maureen Cain of the Colorado Criminal Defense Bar.

She cited a client who has been successfully managing probation for three years, supporting his children and passing his drug tests - but who is about to be sent to prison because he cannot afford his probation fees. "What sense is there to sending him to prison at \$27,000 a year (to taxpayers) because he can't pay \$1,000 in probation fees?" she asked.

El Paso County Sheriff Terry Maketa called the system "a train wreck" that pushes convicted criminals toward failure. "Citizens suffer" when these people fail and commit new crimes, Maketa said.

Mike Krause, of the Independence Institute, repeated his group's call for two changes to reduce Colorado's prison costs: Halve the sentences for drug possession and reduce the lowest class of drug possession from a felony to a misdemeanor. When it was brought up in the debate over Referendum C in 2005, "You would have thought the sky had fallen" from the reaction, he said.

Carroll, said later: "I think the Independence Institute is on to something there. We need to re-evaluate how we do drug sentences."

He said some substance abusers need treatment more than they need incarceration.

Rep. Buffie McFadyen, D-Pueblo West, condemned the state's recent move of 240 inmates to a private prison in Oklahoma because state prisons are full. She said those inmates will fail because private prisons have a financial incentive for them to repeat their offenses and return. "If you make money off a body in a cell, don't you want repeat customers?" she asked.

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