



Time to reform our criminal justice system

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FEB. 5, 2009 -- The past few weeks have brought epochal policy changes at the national level. Our new president's decision to close Guantanamo, a move that the ACLU has long called for, is one of them. But an even larger issue ought to concern all of us living here in South Carolina: A "lock 'em up and throw away the key" mindset has no place in the 21st century.

While Washington debates stimulating the economy by investing in physical infrastructure, we risk forgetting the human infrastructure that holds together our society and powers our economy. We need wholesale reform in our state's criminal justice system. A huge undertaking at a time of economic crisis? This is precisely when we need outside-the-box thinking to save tax dollars while



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increasing public safety. Most so-called tough-on-crime measures fail to address strategically the entrenched mix of problems that plague our criminal justice system. It's time we got smart about crime. Overwhelming evidence shows that we can increase public safety and drive down costs if we decriminalize addiction and mental illness and revisit mandatory minimum sentences for non-violent crimes, substituting alternative and graduated remedies. While drug use has held steady in the U.S. during the past 25 years, drug arrests have tripled. Nearly 20 percent of the prisoners in the total S.C. Department of Corrections population are incarcerated on drug offenses.

Corrections officials and prison ministries alike testify that treatment programs, supervised work release and rehabilitation offer incentives and skills that help ex-prisoners reintegrate and reduce their recidivism. A recent Tennessee study showed a 10 percent drop in repeat offenses when prisoners participate in rehabilitation programs. This is a non-partisan argument - - former President Bush signed into law the Second Chance Act that authorizes federal grants to government agencies and community and faith-based groups to help with ex-inmates' reentry.

This is also a cost-benefit argument. A state study in California concluded that every \$1 spent on drug treatment saved the state a minimum of \$2.50 in reduced crime and increased earnings. This

increased to \$4 per person when treatment is completed. Recently, a Washington state legislative study showed that each \$1 spent on drug treatment in the community yielded \$18.50 in benefits in decreased incarceration and increased income generated, contrasted with a return of \$5.88 for each dollar spent on drug treatment in prison. But every dollar spent on incarceration without treatment yields a return of \$0.037, a significant economic *loss*.

What can we do in South Carolina? We should better fund alternatives to incarceration, including juvenile detention and community supervision programs that steer nonviolent offenders into treatment. We should not indiscriminately abolish parole and probation. Instead, we should fund them adequately and provide carrots and sticks, incentives for good behavior and tailored responses to violations (not automatic incarceration). Punitive sentencing that is overly harsh across the board has marginally impacted crime rates but has contributed to dramatic growth in incarceration. The South Carolina Sentencing Reform Commission, due to issue its report in summer 2009, needs time to do its work.

Our state would benefit from a serious public discussion about comprehensive reforms to our criminal justice system that would bring together experts from relevant agencies and community groups. We need a strategy that recognizes the scope of the problem and builds on reforms that are working elsewhere. South Carolina can be a safer place to live and better positioned to compete in an economy that is unquestionably global if we address the corrosion of our social infrastructure. More than one in every 100 adult residents of the state is incarcerated. This human potential is a resource we can't afford to waste.

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