

Opinion

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We cannot maintain a ‘just lock them up’ mentality

By LONZY EDWARDS - Special to The Telegraph

The Editorial Board is usually on target when the important issue of public safety is in its sights. But it missed the mark in suggesting that we need to build more jail space. That is about the last thing we can afford or need to do. If their counsel is taken, an already heavy local tax burden will get much heavier. This position is reminiscent of what our state and many others did when they adopted draconian “get tough” and “lock them up and throw away the key” policies. We are still paying for that misguided and myopic approach to our social problems.

As I and many others have observed, if simply locking people up made them better we would have the most virtuous and safe nation on the planet. After all, we imprison more of our citizens than any other nation.

Part of the national problem, which was the subject of a recent piece in The Wall Street Journal, is undoubtedly related to the proliferation of laws that do not require criminal intent. Once ensnared, the unwary are prosecuted and sent to a federal penitentiary. This could happen to law-abiding citizens for thousands of offenses of which they have no knowledge. Not only does this make citizens afraid and distrustful of their government, it also radicalizes some of them and may explain why many join anti-government extremist groups. This makes how the criminal justice system is misused a matter of national security.

What is happening at the national level is occurring at the state and local level. We are just as prone as members of Congress to say, “there ought to be a law,” against something and pass laws without regard for their effect on our finances or freedom. Consequently, our local jail stays full for many of the same reasons people are unnecessarily incarcerated by the federal government.

The bottom line is that, as our governor observed on a recent visit to Macon, we are incarcerating more people than we can afford. That is the message of conservative groups such as “Right on Crime,” a national criminal justice reform initiative. States like Texas have abandoned “get tough” sentencing in favor of programs which have resulted in significant reductions in the cost of operating their prisons. Georgia is considering similar cost-saving measures as part of a criminal justice reform effort. If that is necessary for the state, it is also necessary for counties.

When people advocate building more local jail space, the questions they ought to answer are to what end and how much. We spend roughly a third of our budget on law enforcement and the jail. How much more should we spend? We cannot afford what we are spending. If we had a 3,000 bed jail it would be full in no time. We have averaged in excess of 900 inmates a week in our local jail for a long time. That number would be much higher if the Sheriff's office did not do a good job of managing it in order to stay under the 966 inmate cap.

Does anyone seriously think this serves the cause of public safety? During the recent rash of incidents in Macon involving youth violence, having a large number of people locked-up made no difference. At least part of the reason may be related to the way bonds are set. We still make this critically important decision not on the basis of "risk to the community, but ability to pay."

That often means that dangerous people with money get out of jail and those who are harmless and broke stay in. The way "probation holds," are used also contributes to the problem. We have a lot of people in and out of jail for reasons that have nothing to do with the seriousness of their offense and some who periodically get "lost in the cracks" of the criminal justice system. What taxpayers may not know is that jails are used for all kinds of purposes that have nothing to do with protecting them from dangerous criminals. It is undoubtedly the best debt collection tool in town. It doubles as a mental health facility. It is also used to mask problems in schools and other parts of our community. Although it amounts to peanuts when what is spent to generate it is considered. Taxpayers also may not know there are financial incentives to keeping a big jail population because of money that comes into our coffers from the commissary and confiscated property funds.

We need to make sure we are locking up the right people. I am not sure the system we now have consistently produces this result. The most efficient part of the criminal justice system by far is law enforcement. Aided by reward money from nonprofit organizations, it is good at making arrests. But after arrests are made, the system faces the same dilemma that is laughably presented to a dog chasing a car -- what to do with it once he catches it?

In our community, the answer is almost always jail. We need more thinking of the kind our judges did that led us to invest in the Drug Court Program that is saving lives, reducing costs and preventing crime. Our criminal justice system needs a serious overhaul to fix what is obviously broken.

The solution may be as simple and cheap as shifting our focus from "re-entry" to "pre-entry." This will mean not sending people to jail for nonviolent, minor offenses. With a little effort and inter-governmental and intra-governmental cooperation that does not always exist, we can safely reduce our jail population -- possibly as low as pre-2005 levels, when we had a population of less than 600 inmates. That would save millions of dollars and allow us to begin to pay deputies what they are worth and possibly mitigate the tax burden that is running people out of our county.

If we listen to advocates of jail expansion and do not get a handle on this expense, more property tax increases, that I will oppose, are coming. We cannot wait to start this process until next year's budget hearings. Reducing our jail population will also insure that adequate jail space is available for those who are incorrigible or dangerous.

What happens in the criminal justice system affects the bottom line of the county because virtually all of the community's social problems eventually end up on our doorsteps. That is one of the reasons I believe passing the SPLOST is essential.

Funding for recreation facilities will allow us to devise an effective crime prevention strategy for our children and keep them in school. It is far cheaper to deal with this problem through recreation and education than incarceration.

We need sentencing alternatives that do not require jail. If spending time in jail is a rite of passage which improves a young person's credibility on the streets, why not find other sanctions?

The system is being gamed now by folks with a Brer Rabbit -- please don't throw me in the briar patch -- mentality. Once there, they "chill" on our dime and if they get sick we give them better health care than many people receive who work for a living.

If we apply what we learned about conditioning from B.F. Skinner years ago we might come up with something more workable and less costly than what we have now. Obviously, what we are doing is not working. But we continue to do it year after year, without regard for costs or results.

We need to devise ways of disincentivizing anti-social behavior like requiring public work. It is a shame that we have been so unimaginative that all we know to do with petty criminals is lock them up.

Among other options, graduated sentences, citations for minor offenses, use of nationally validated screening instruments to make bond and probation decisions and speeding up probation revocation hearings could make a difference in the size of our jail population.

Under current law, we can use ankle monitors. Why we do not use this cost-effective measure is beyond me. The law allows bail bondsmen to monitor their use for a modest fee that is far cheaper than a jail cell.

For some offenders, we could modify and use the day reporting concept that the state is using. Although experts who study this issue are not sure of the reasons, the crime rate has been dropping for years. Some are quick to attribute that to the high number of people behind bars.

But there are states that have reduced their jail population without experiencing an increase in crime. That is why we have to find similar ways of protecting the public that are hard on criminals instead of tax payers.

We have a choice. We can do what we have always done and hope for a different result or we can follow the lead of our governor and "conservatives" of both parties who say enough already and try to find more cost-effective ways of protecting the public. Unfortunately, that mindset seems to exist at every level of government, except cash-strapped, over-taxed local communities such as ours.

Doing something different will cost money we do not have. Why not let our friends and neighbors from outside our county who shop here help us pay for it by passing the SPLOST?

Lonzy Edwards is a Bibb County commissioner.

Read more: <http://www.macon.com/2011/10/23/1756187/we-cannot-maintain-a-just-lock.html#ixzz1bnLILj1Z>