

Enough is enough

Granted I've been in law enforcement for more than 25 years and may have a different perspective from my readers, but it strikes me that the balance between victims and criminals is tipping scarily to the side of the criminal. We are spending more time and resources worrying about what the criminals think and feel rather than their victims.

Somewhere along the way prison has stopped being a place to punish people for their actions and to protect society. Twenty or thirty years ago prison was so harsh a criminal never wanted to return. But now, I can't count how many times I have heard a convicted felon say they could do six months in prison standing on their head. They have television, weekly contact visits, furloughs and the list goes on. We seem to be more worried about the inmates so called rights than the law abiding citizens. I find it ironic we are constantly having inmates begging for us to get them out of our jail and get them to prison because they say prison is much better.

A revolving door has become the norm for too many criminals who continue to break the law. The number of inmates in our prisons who are on their fourth or more trips to the penitentiary is growing. Why? In my opinion it is because prison has become too easy on them. A 10-year prison sentence has become a joke. It seems a 10-year sentence now means about 12 months... maybe, if even that long. The prisons are full and the number of inmates sentenced to prison waiting for a bed to open up has grown to an all-time high. This is putting a tremendous strain on our jails across the state, creating issues that range from increased assaults against jail staff, budget deficits and staffing issues.

As I review the latest solutions being proposed for the overcrowding, it occurs to me that they are not new – rather they are just a different version of what got us into this situation in the first place. Some of the solutions under consideration are:

- Issue parole to inmates directly from the county jail rather than sending them to prison
- Relax the eligibility requirements for parole and do more early releases from prison
- Modify the structure of the parole system by assigning points to the people who violate their conditions of parole, only allowing them to be sent back to prison after x number of points, resulting in fewer violators being sent back to prison

In my opinion this will be history repeating itself just like it did after the prison reform of 2011, Act 570 which reduced punishment for almost all drug and theft related offenses and put more people on probation than sending them to prison. Many of us accurately predicted that the long term effect of Act 570 would cause our prison population to grow. Prior to Act 570, there were approximately 1,300 offenders backed up in the county jails. Shortly after Act 570 the backlog dropped to around 300 giving supporters

of the Act reason to tout success. Unfortunately, it was short lived because just as predicted, three short years later we are now at an all-time high, county jail backlog, with more than 2,700 inmates waiting to go to prison.

It seems that some of our politicians and policy makers think the answer is to minimize or decriminalize thefts and property crimes, make more offenses no longer a crime, and instruct law enforcement to stop enforcing current laws. Their solution is for society to accept crime and for us to buy bigger and tougher locks instead of punishing people who steal and wreak havoc on our communities. What about accountability or lack thereof? When the 'risk' versus the 'reward' is too narrow, crime will continue to rise and exacerbate the problems we face now.

While I do not want our society to implement the severe punishments used in certain foreign countries, I would simply point out that those countries have a lower crime rate which means a lower prison population. It disputes the theory that harsher punishments don't deter crime. Again while I am **NOT** promoting this level of harshness or severity of punishment, the high risk/low reward is severe enough that there are very few crimes and almost no repeat offenders. When a person violates parole or probation and they are jailed and held accountable, it protects society, and more specifically the community in which they live.

Solutions?

I've spent many hours searching for solutions to our jail and prison overcrowding. My suggestions are long-term in nature and focus on punishing the 'career criminals'; those with multiple repeat offenses and enforcing the sentence given, while working to help those with addictions who want to eliminate their drug dependency.

First time conviction of a felony: The very first time a person is convicted of a felony, they must go to prison for a minimum of 2-4 weeks. Why? The shock factor might just wake them up to the fact of what is in store for them BEFORE they become deeply rooted into the criminal justice system. I become very frustrated when I hear that we should stop sending first time offenders to prison. Currently, a person has to be convicted 3-5 times (non-violent) before they are sentenced to prison. By the time they are finally sent to prison, many have accumulated numerous felony convictions and are so deeply embedded in the criminal justice system that they find it difficult to succeed once they get out.

Drug Treatment and Drug Courts: Meth and Prescription Narcotics continue to take a toll on the prison/jail population as well as society. Many other crimes such as burglaries, thefts, assaults etc. are caused by this dependency. While drug courts have had some success, I think there should be mandatory long-term drug treatment before drug court programs begin. I suggest a 9-12 month inpatient treatment followed by the drug court program. Because the person will have been 'clean' for a year, the success rate will be much higher. Stop the dependency, stop the crime.

Create Mental Health Crisis Clinics: We encounter cases where people with mental illness are in a crisis situation. Currently, our only option is to either take them to jail and charge them with nonviolent or low level misdemeanor charges or take them to the emergency room. A Crisis Clinic would provide a venue where the mentally ill are diverted to a crisis stabilization unit and into treatment instead of the emergency room or jail.

Increased penalties for repeat offenders: Allocate many more resources on the front end to help those on their first conviction and prison time. Use alternative sentences, re-entry and other programs to help them succeed after they are released. However, for each time they are sentenced to prison for a new crime, make the prison time longer and on their fourth time to prison, require a mandatory 20-year sentence before they can be released.

Restructure the Arkansas Prisons: Restructure the various state prisons around the state into different tiers. For example, dedicate one prison for first-time offenders, putting an emphasis on education, job skills etc. Dedicate another prison for second-time offenders. Take away some of the privileges like television, commissary privileges, etc. Dedicate another prison for third-time offenders. These prisoners would work on prison farms daylight until dark. No television, no visitation, etc. Finally, for repeat offenders of four or more, dedicate a maximum security prison with time spent in isolation when not working and mandatory long sentences. If they have not gotten the message by the fourth time, society needs to be protected from them.

Restructure the penalties in the criminal code to eliminate parole: Instead of someone being sentenced to fifteen years and serving two, let's have a true truth in sentencing and make the penalty five, six or eight instead of fifteen years, BUT they serve the entire sentence. No more parole; we could redeploy parole officers by utilizing them in the probation system instead which would drastically reduce the caseload of each probation officer ultimately resulting in each probationer being watched more closely. I believe this would reduce them re-offending. The longer they succeed the better chance they have staying out of the system.

Create minimum security housing instead of prison: There are approximately 500-600 inmates who have met all of their parole eligibility but cannot be released because they have nowhere to live. Let's repurpose some of the closed school buildings to provide housing and a place to learn job skills, counseling and receive education. The state is currently paying the counties \$30 per day to house inmates waiting to go to prison; the same money could be used to pay for this low risk housing which would help the prison overcrowding and assist the inmate in their transition.

New curriculum in schools: While not a specific suggestion for prison overcrowding, I believe the root cause of many of the issues in society today is the lack of respect for authority and people not taking responsibility for their actions. Unfortunately, many children are not learning about respect and accountability at home; incorporating these concepts into the K12 curriculum is a way to help instill these values. Respect and

accountability as guiding principles promotes a lasting effect as our youth grow into adults.

Enough is enough

We have to take back our communities from the law breakers and protect ourselves and our families. We need to put our focus on the victim's rights rather than the criminals. We need to work harder to help the first-time offenders and those dependent on drugs and alcohol and make the punishment much more severe for the repeat offenders. Ultimately each time the risk/reward weighs in favor of the 'reward', the greater the risk for repeat offenders. To those that get it, they become a law abiding member of society. To those that don't, lock them up so society will be protected.

Sheriff John Montgomery