

COMMENT

GUEST COLUMN

Stuffing crowded prisons isn't keeping us safe

We must begin to think about the consequences of our get tough methods, says **VERONICA COLEMAN-DAVIS**, because we cannot police ourselves out of our crime problem.

IF PERSONAL AND PUBLIC SAFETY is the linchpin of our criminal justice strategy, then we have created a self-defeating "let's get tough" modus operandi. We trust our elected officials to do the right thing and not pander to our worst fear — being a victim of crime. Yet, after all the "get tough" slogans and laws, I feel less safe now than I did 20 years ago.

In 1986 Congress, amid a "get tough" war on drugs, created mandatory minimum prison sentences of five years for cocaine possession and 10 years for cocaine trafficking that were allegedly aimed at major drug traffickers.

The trigger for the five-year sentence was possession of 5 grams of crack or 500 grams of powder cocaine. This disparity became known as the 100-to-1 drug quantity ratio.

Federal prosecutors and law enforcement were efficient in their supply-side war, and by 1997 more than a million new inmates had been added to state and federal prisons, with 70 percent of the prison growth coming from the addition of new African-American and Latino prisoners.



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The United States Sentencing Commission on multiple occasions sought to convince Congress that this built-in disparity in sentencing was not warranted by the belief of the law's authors that crack was more dangerous than powder cocaine. The commission also noted that we were arresting mostly low-level street dealers, not major drug traffickers.

Sadly, several years ago a senator from a Southern state (who shall remain nameless) said in a National Public Radio interview that he and others knew that the law imposed a disparate impact on minorities but that Congress just could not find the will to change it. So, while we hail the recent success of the Sentencing Commission in garnering congressional approval to amend the sentencing guidelines, we still await Congress' action on fixing the unjust disparity in the minimum mandatory sentences.

To be sure, criminal justice experts and the Sentencing Commission have long understood the erosion of trust in our justice system. We cannot easily shrug off this distrust with the attitude "if you can't do the time, don't

commit the crime." If Congress and justice officials understand the injustice in the 100-to-1 disparity, you can be sure that prison inmates turn their lives around if they know that "the system" is inherently unjust?

We were tough with our "three strikes and you're out" laws, and then years later developed release valves to relieve overcrowding in prisons. We are now beginning to see studies about the ill-conceived notion that we will stop crime by transferring juveniles into the adult penal system. Instead, we only delay the next crime wave until they return from prison, hardened, undereducated, unskilled and angry. We must begin to think about the consequences of our get tough methods because those in the business know that we cannot police ourselves out of our crime problem.

We used to talk about rehabilitation, paying one's debt to society and forgiveness as a part of our religious beliefs and justice system ideals. Punishment that is just, not "just punishment," is an important tool. But after the punishment, then what? We have allowed our fear, anger and vengeance to overtake our most fundamental and intellectual beliefs and forgiveness is hard to come by. I know former inmates who have not committed a crime in 20 years, yet employers will not hire them.

There are many people of good will who are seeking to help those less fortunate, providing

services, mentoring, skill training and now government-sponsored re-entry programs. But, who is hiring? When the people are released from federal prisons based upon the sentence reductions that the Sentencing Commission authorized on Dec. 11, what exactly do we expect them to do? They will be mostly uneducated, unskilled, without stable housing or transportation. We must find a way to thread the employment needle and measure the likelihood of success among those presenting themselves as ready, willing and able to contribute lawfully to our communities.

So as I see it, our current modus operandi yields the following six "benefits":

- At least 650,000 people will be matriculated from our prisons/jails annually.
- The prison industry will continue to grow because of overcrowded jails and prisons that pick the pockets of taxpayers.
- States will find ways (mostly under the radar of the public) to develop early release programs to ease budget crises.

- The majority of employers will not hire those who want to work upon their release from prison.
- Those unable to survive by legal means will revert to illegal means.

- We will now be less safe because of people who are desperate and no longer afraid of prison.

If personal and public safety is indeed the linchpin of our criminal justice strategy, then we need to change our modus operandi.