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Sen. Mike Padden: Reducing punishment doesn't reduce crime

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Gov. Jay Inslee's justice reinvestment task force has met just twice and has until December to produce its recommendations. Already, however, there are signals that it may propose easing up on prison time for drug and nonviolent property offenders as a way to save money and delay building a new state prison. Some outside commentators have called that a "smart-on-crime" approach.

The task force was created in June through a federal-level initiative that is supposed to take a data-driven approach to increasing and reinvesting in public safety. Yet the data I have, as Senate Law and Justice Committee chairman, fail to support the notion that putting more burglars on community supervision will do much – except put them in a better position to reoffend.

"Facts are stubborn things," John Adams once said. Here are three facts that cannot be ignored:

First, reports of crimes and arrests have declined across Washington. Since 1990, the state's population is up 40 percent, yet arrests are down 18 percent, and overall crime is down 10 percent. Washington's incarceration rate is almost one-half the national average, and its property and violent crime rates have fallen one-third or more in about 10 years. There is no reason to believe these trends will not continue.

The root cause of overcrowding at state correctional institutions is not the number of inmates but a lack of bed space that coincides with the state's closure of not one, not two, but three prisons in recent years.

Second, Washington's prison population contains a large number of serious criminals. Almost 5,000 of those in prison as of June 30, 2014 – or 28 percent of the total prison population – were there for crimes of seriousness level 11 or higher. Level 16 is for prisoners serving life sentences or on death row; levels 11 and 12 include first- and second-degree rape, rape of a child, and intentional assaults causing great bodily harm.

More than one-half of those admitted to prison in 2013 served time at least once before, and more than 40 percent of those admitted were convicted of crimes against persons. While less than one-third were property offenders, even 40 percent of them had prior violent offenses.

I suspect these statistics, which came from the task force, understate the dangerous nature of Washington's prison population. For example, the governor's group categorized certain burglaries as "nonviolent" offenses. Either way, even the task-force members would be hard-pressed to deny that earning a prison sentence in Washington means committing a lot of serious crimes. That's how it should be, which is exactly why trading prison sentences for community supervision is no way to increase public safety.

Finally, reducing punishment doesn't reduce crime. Property offenses are the least-punished offenses in Washington, so this year I introduced legislation to increase sentences for habitual property offenders. In public testimony on this bill, law enforcement and lawyers told of offenders with 50 or more prior property crimes who don't face prison time until after a dozen or more felony convictions. We heard similar accounts at the Senate Law and Justice Committee's Oct. 3 work session in Spokane Valley – an area that is no stranger to property crime. In such cases, who is looking out for the victims?

Some argue that increasing supervision after prison will reduce recidivism. I am not persuaded, especially given a recent Freedom Foundation report that uncovered serious problems with home detention and electronic monitoring in our state, including a lack of adequate service and timely notifications to law enforcement. What's to discourage a burglar from stealing if being caught is unlikely to mean prison or even effective community supervision?

Benjamin Franklin once wrote that “pardoning the bad is injuring the good.” While releasing certain offenders may save money in the short run, doing so stands to hurt the people of Washington in the long run – and in more than their pocketbooks.

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