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EDITORIAL

Smarter, not softer, sentences

For many years, Indiana legislators have consistently demonstrated a toughness on crime, criminalizing more conduct and sentencing offenders to longer prison terms. Now, Gov. Mitch Daniels and state prison officials are joining with judicial advocates to push a different approach.

Critics may decry the proposed changes as being soft on crime. But the changes are more accurately described as being smarter on crime.

The recommendations come from a study of the state's criminal code by the Pew Center on the States and the Council of State Governments' Justice Center. The study coincides with a startling statistic: Though the population of U.S. state-run prisons declined last year, Indiana's grew 5.3 percent – more than any other state.

The study found areas where Indiana differs substantially from other states as well as policies that obviously make little sense. For example:

- The sentence for selling 3 grams of cocaine is the same as selling 3,000 grams.
- The average sentence for sexual assault is about 5½ years. The average sentence for selling drugs is eight years.
- Stealing a \$5 DVD is considered felony theft, the same as stealing a \$5,000 ring.

The report wisely recommends that Indiana adopt a graduated sentencing structure that establishes a threshold for a felony offense, for example, making theft of an item worth less than \$750 a misdemeanor instead of a felony.

In addition to the length of sentences, the report looks at the need for rehabilitation and for better, smarter supervision of convicts who have left prison. Too often, probation, parole and community corrections departments overlap, don't communicate and don't coordinate.

The report also recommends substance abuse and behavioral counseling for criminals, both while in prison and after they are released.

If these and other recommendations are accepted, Allen County will be largely well positioned to make them work. The county's Community Corrections program already places an emphasis on determining substance abuse, behavioral or mental health issues of its participants and designating counseling and other programs to help address them.

The report estimates that if the recommendations take effect and the state prison population falls, Indiana will avert spending \$1.2 billion for more prison space over the next seven years. And the recommendations should also reduce recidivism, lowering costs on the criminal justice system and Hoosier crime victims.

For anyone who believes this approach is too soft on crime, consider this point: One result of changing the sentencing and supervision structure is that prisons, parole and probation officers can then focus on the worst offenders. It makes no sense that an estimated 71 percent of the state's prisoners are being held for non-violent offenses.

Daniels deserves praise for his role in commissioning the study and supporting its conclusions.

"We have hoped for a package of changes that will bring more certain and firm punishments to the worst offenders in Indiana, more sensible, smarter incarceration for those who pose much less of a danger to Hoosiers and, as a byproduct of that, grace to taxpayers in the form of lower costs in the years ahead," he said.

If the General Assembly adopts the recommendations, those results can occur.

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Penalties for selling three grams of cocaine

State	Minimum	Maximum
Indiana	20 years	50 years
Texas	2 years	20 years
Wisconsin	–	Up to 12.5 years
Ohio	Probation	1 year

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