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EDITORIALS

Next step for sentencing

State legislators' failure to adopt sentencing reform legislation is disappointing but by no means should mark the end of Indiana's effort to sentence criminals more smartly – and at less cost.

The overall aim of the legislation remains sound: Many thieves and drug offenders convicted of non-violent crimes should be sentenced to local programs such as probation, home detention and drug courts instead of state prison. A primary goal is to reduce prison costs, but such a shift would likely reduce recidivism as well.

Lawmakers blamed prosecutors' opposition for their failure to adopt the legislation. No doubt many members of the General Assembly also feared being labeled soft on crime.

Opponents did raise some objections that should be addressed in the next proposal. One of the key issues is how much money the state would make available to counties to build and increase the alternative sentencing programs as the burden of overseeing thousands of convicted criminals each year shifts from state to county government.

Allen County Prosecutor Karen Richards believes a study that showed Indiana with the highest increase in prison population in the nation was skewed because it included the Terre Haute federal prison – a facility that state government does not control or finance. Perhaps, but even so, sentencing reform that avoids prison time when appropriate is more cost-efficient and has better potential to lead to rehabilitation.

Now, the concept goes to the state criminal code review commission, which will examine the myriad of state laws with an eye toward updating them as appropriate. Indiana hasn't conducted a comprehensive review of its criminal laws in 34 years, and in the last two decades the state has added 107 new crimes or longer sentences.

The commission should also look at another issue added to the bill in the Senate without the benefit of a study – a "truth in sentencing" requirement that more serious felons serve at least 85 percent of their stated prison sentence. Indiana generally allows prisoners who behave themselves to serve half their sentence; plus prisoners have other ways, including gaining college degrees, to shave even more time off. Such a provision, though, would add to – not reduce – the state's prison population. And the policy of receiving one additional day off a sentence for each day served without causing problems is a strong incentive to remain peaceful in prison.

Gov. Mitch Daniels and his former correction commissioner, Ed Buss, were right to seek a bill to reform the state's sentencing practices. Though the bill stalled in the House, the effort did raise public



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A proposed sentencing reform bill would have placed more people convicted of nonviolent crimes on programs such as Community Corrections. Here, a participant stocks a cart for the senior pack at the Community Harvest Food Bank.

consciousness of the issue. And it often takes repeated attempts in the General Assembly to make significant changes in state policies.

Moving controversial issues to study commissions sometimes leads to meaningful reforms but can also be the graveyard where lawmakers bury issues they would rather not tackle. As Indiana faces the prospect of spending more than \$1 billion to build and run new prisons, that cannot be allowed to happen.

The commission needs to engage prosecutors as well as correction officials and others to develop a new plan for next year that preserves the overriding goal of moving more non-violent offenders away from prison into county-based correctional programs.

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