

# Why Are We A Nation of Prisons?

by  
Charles Hammer

Is our prison system a mystery to the average citizen? An uncomfortable mystery best not to examine too closely? So it was to me until I became intimately involved in its workings. No doubt the greatest part of the mystery is: why does it cost so much? Why are our prisons so full and why do we need more?

Unlike what many Americans may think, the Justice and Correctional systems of this country are built on retribution — not rehabilitation. And, retribution is expensive — very expensive.

Our government (past and present), supported by the media controls the masses through fear. Remember the War on Drugs, War on Crime, War on Terrorism, War on Poverty? We have been convinced that if we can just lock up enough people we'll all be safe — all will be well. This, despite recent Rand studies indicating that we are not significantly changing the crime rate through these policies. In fact, we may well be fostering an environment that produces more violence and, certainly, ever increasing fiscal costs.

Let's start with the dollar cost: in the year 2001 the state of Oregon said that it cost \$6000 per day to lock up one inmate (I'm sure it's higher now). The facility I was in housed 3000 inmates, so — \$180,000 per day or \$5,400,000 per month! That was just daily operations, forget the cost of building the facility and other maintenance and that was just one of sixteen facilities!

Bear in mind, a great many of those inmates



Were tax payers and some were even employers. That Contribution to the tax base is now gone; they went from a plus to a minus in the state's economy — a double whammy! And then, there are the families who were supported by an inmate who must now seek public assistance. And, don't forget the cost of prosecution and putting them in prison.

Are there not, then, people who are dangerous and should be locked up? Of course there are — but a surprisingly small percentage of the total population. (I know there are figures for this but I do not have access to such resources). But, since we are operating in a system of retribution, all must pay — dearly. Of course, Joe Citizen does not realize that the more he makes the inmates pay, the more he pays — often at the cost of education and other social services.

Now we come to mandatory sentencing and prison packing. Under mandatory sentencing, at least in this state, the prosecutor actually runs the court. The judge will almost entirely defer to the prosecutor except when it comes time to check the sentencing chart and sign off (as in my case). Until recently, the judge could upward depart a sentence without a jury and, in rare cases, might lower depart a sentence.

The public defender (pretender) is almost always the creature of the prosecution, picked for his ability to not defend his client, never challenge false information, never object to suppression of evidence that might exonerate his client. In fact, I am aware of two cases where the public defender



pretty much slept through the trial. Truly, this is not Perry Mason!

We must understand that the District Attorney or Prosecutor is elected on the numbers (to some degree, this is true of judges as well). Out of so many cases, what was his or her percentage of convictions? In most cases, it's nearly 100%. One might ask, "were they really all guilty?" Probably not — but who cares? This is how prison packing occurs.

While a stated underlying principle of law is supposed to be "Innocent until proven guilty", in all actuality the opposite is true in practice. To be accused (and there need be no complaint in this state) is to be found guilty. How is this done? The accused is always offered a plea bargain; one crime is spun out into innumerable counts. And, here's a for instance: a fist fight — besides the usual assault charges there is also a kidnapping charge (worth 20 years!) by virtue of one person causing another person's body to move! It's done all the time in this state. Innocent or guilty, you don't dare roll the dice or you could be doing a lot more time than offered.

Bear in mind that, in this state, hearsay or second hand testimony is perfectly acceptable and one may not even face their accuser in court (they only need say "I'm afraid for my life!") The opportunities for manufacturing evidence (I am familiar with several such cases) abound. Yes, secret grand juries are the norm here as well. And, yes, there really are a lot of innocent people locked up —



the system simply does not care.

Nowhere is this more easily seen than in sex crimes: all it takes is an estranged wife who is going through a divorce and (A) wants to get back at her soon to be ex husband; (B) wants to be sure to gain custody of the kids and, (C) wants all the property. It's simple — accuse him of a sex crime, coach a daughter to say the magic words and it's all hers. Of course, this also happens with ex girlfriends.

Some people may be unaware that sex crimes encompass everything from a high school student sending a picture of a partially clad classmate to a friend, to a person arrested for urinating in a public park behind a bush to actual rapist/murderers. They are heaped under the same heading, "Sex Offender", expected to fulfill the same requirements and equally ostracized by the "solid" prisoners who do not have "skin beats".

## Recidivism

So, why do so many come back to prison? There are several good reasons: (1) There are more than a few who have been locked up since their teen years, often early teens, who have no life experience outside of prison. Usually, they will get out without any job skills or high school diploma, not even knowing how to balance a checkbook — if they know what one is. If they are lucky, they will at least start off in some kind of transitional housing or at a mission.

Repeat offenders are seldom given any reason or



Motivation to change their ways, especially since work is nearly impossible to find. Picture this! a young first time offender in a large prison being mentored in all the ways to cook, grow or sell dope. Yes, a fine education! By the way, most college programs have disappeared, at least in this state.

The kind of genuine one-on-one counseling that would do the most good is simply not available. People with the title "counselor" in our system are simply bureaucrats paid to keep ~~prison~~<sup>inmate</sup> records in order; any attempt at genuine counseling can result in disciplinary action against said counselor for "inappropriate inmate/staff relations" (it has happened).

Also, consider this! the longer people are incarcerated (think mandatory minimums) the less chance that there will be any support system for the inmates when they get out. Spouses will divorce them, other family and friends disappear or lose interest in them, old employers go away or lose interest in rehiring them (and, maybe they can't be rehired). Often, whatever savings they had will be magically gone by the time they get out. Also, they can become institutionalized.

A side note: an expert, recently interviewed on Larry King, stated that sex offenders had the lowest recidivism rate of any incarcerated group.

Post prison has been described as legal extortion (don't pay - go to jail) combined with an obstacle course lined with banana peels. In other words, it promotes failure in order to bring people back to prison (more packing).



## The Answer?

Prisons cannot simply be looked at by themselves; they are part of a much larger system that includes law enforcement, the judicial system and the parole system.

First, we need to recognize that not every-thing needs to be criminalized. (How's the war on drugs going? Are we winning? How about prostitution?)

Up front, there must be a concerted effort to find out if someone is actually guilty — that would help. First time offenders, in many cases, should be put on probation with real community service (maybe something that fits the crime?) rather than being immediately hauled off to prison.

There are many cases where persons do not pose a threat to a community and might better serve the community through fines, community service and counseling. It has often impressed me, while in prison, that there is a huge waste of smart, creative, gentle people who are serving time, wasting the tax payers money simply because they shouldn't be there.

Last I heard, some years ago, Denmark had a ~~record~~ recidivism rate of 3%. Yes, and a number of other countries had similarly low numbers. Is it possible we could learn something from them? Of course, they are serious about dealing with recidivism and know that longer sentences are not the answer,



Here, people are so concerned about the up-front cost of rehabilitation they forget about the backend cost of not doing so: the cost of new crimes against property or people, the cost of prosecution and imprisonment, and the cost of another lost life. Post prison should really be ~~about~~ helping people succeed rather than looking for reasons to send them back.

If we will look at the countries who are succeeding at this game, we will realize that there is a better way.