

# 'Not sustainable'

## *Chamber knows prison costs are threatening other programs*

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At first glance, David Adkisson, president of the Kentucky Chamber of Commerce, would seem to be an odd advocate for reducing Kentucky's prison population.

After all, why should the organization that represents Kentucky's business community care about the number of people who are behind bars? Aren't those people there because they broke the law, including committing crimes against businesses? Doesn't having them locked up protect both businesses and individuals from becoming victims of crime?

But when one considers how much money state government spends on housing prisoners and how quickly those costs are rising, the Chamber's interest in this issue is understandable. After all, every dollar spent on prisons is less money for other state programs that have a more positive impact, including education.

"The current rate of growth of putting people in prison in Kentucky is not sustainable," Adkisson told a legislative panel on the judiciary Friday. "The potential solutions are not about being soft on crime, but are about rethinking how we deal with offenders in a way that lowers the cost."

It costs \$19,000 a year to house a prison inmate in Kentucky. In contrast, it costs only \$9,200 a year to educate a child in public

school and \$7,000 a year to send him to a state university or technical and community college.

"The state is consciously or unconsciously shifting its priorities away from education toward some of these things that are driving the state budget," Adkisson said. "Kentucky is spending more to address the cost of failing to invest in education than it is on students."

Yet statistics show that the more education a person has the less likely he or she is to commit crimes. The prisons are full of high school dropouts, while the number of college graduates behind bars is relatively few.

Thus, Adkisson argues, it makes more sense to invest in giving young people an opportunity to learn the skills that will lead to gainful employment than to house them in prisons which do little to help inmates succeed once released. Thus, many commit new crimes and return to prison.

Of course, its burgeoning prison population is hardly a new problem in Kentucky. Unfortunately, most of the efforts to reduce prison populations have been met with opposition from state prosecutors. Sen. Robert Stivers, R-Manchester, chairman of the Joint Interim Judiciary Committee, said committee members are becoming frustrated with get-tough-on-crime prosecutors who have resisted nearly every effort aimed at reducing the prison population, without offering alternative proposals to reduce prison costs.

One sensible suggestion — once again opposed by prosecutors — is to amend the state's

Persistent Felony Offender (PFO) law back to the way it was originally intended.

University of Kentucky law professor Robert Lawson, who helped write the first PFO law in the 1970s, said its original intent was to extend the length of sentences for those who have spent time in prison but committed new crimes soon after their release.

However, since then, the PFO law has been amended so that prosecutors now use it to extend sentences for less-serious underlying crimes committed during the commission of the primary crime for which the inmate is sentenced. Lawson cites the PFO law as a major reason why state's prison population has climbed from 3,000 in the early 1970s to some 22,000 today.

However, Chris Cohorn, president of the Kentucky Commonwealth's Attorneys Association, said the PFO law is working as intended. However, he did agree that legislators should take a look at what crimes should trigger the PFO law.

At least Cohorn, Commonwealth's attorney for Warren County, admits that the state sometimes is too tough on offenders. That's more than some of his colleagues will do.

Todd County Attorney Harold Mac Johns told the Interim Judiciary Committee that as a prosecutor, it's difficult to find people who are in prison





who don't deserve to be there.

Adkisson said in addition to amending the PFO law, the state should consider an expansion of Kentucky drug courts and possible privatization of prisons. We're not so sure about privatizing prisons, but the best drug courts work well.

A year ago, the Kentucky Criminal Justice Council offered the legislature a report filled with recommendations on how the state may reduce its prison population while maintaining public safety. Among other things, the report said the state might change some of its

drug laws to reduce penalties. It also recommended making possession of less than a gram of cocaine a misdemeanor instead of a felony and raising the felony theft threshold from \$300 to \$500.

The one positive step legislators took in response to that report was to approve legislation offering first time nonviolent drug offenders a diversion program that would offer long-term treatment. Since many crimes committed in Kentucky are to feed the perpetrators' drug habit, it only makes sense to offer treatment instead of

punishment. If treatment is successful in getting individuals to kick their drug habit, the chances of them committing new crimes is greatly diminished.

Beyond that one law, however, legislators did little to implement the suggestions of the Criminal Justice Council. But this is a problem that cannot be ignored. If Kentucky does not find ways to reduce its prison population, the cost of housing inmates will continue to drain funding for other essential programs. That makes no sense.

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President, Kentucky Chamber of Commerce