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From the Crow's Nest: Prisons, parole and punishment

Connecticut's penitentiary "alumnae" return to their alma maters with such alarming frequency and in such disheartening numbers that the State finally has become aware that something is seriously amiss in its criminal justice system.

Clearly, prisons are falling short of their "correctional" mission. Nor are they by themselves effective deterrents to crime. And parole boards, often under duress to free up space in overcrowded prisons, sometimes release people who should remain behind bars. At the same time, probation offices, critically understaffed and sometimes inadequately trained, are hard-pressed to keep close and proper tabs on convicts in what purports to be a "supervised release" system.

The point was driven violently home in July when two paroled convicts murdered a woman and her two daughters in Cheshire. While that may have been the most tragic example, it was by no means the only time probationers have turned back to crime.

All of which has led the State Legislature's Judiciary Committee to tackle sweeping reforms. At hearings that began last week, no less than 15 far-reaching proposals were on the agenda.

The emphasis has been primarily on a "three strikes and you're out" law, mandating life sentences without parole for repeat perpetrators of violent crimes. State Rep. William Tong of the 147th District offers an additional approach that would be extremely helpful. He wants to establish a database that would enable all law enforcement agencies to share information on offenders quickly and fully.

After the Cheshire murders, for instance, it was revealed that the parole board had been unaware that a judge in an earlier case had called one of the accused killers a "cold-blooded predator." Would knowing that have dissuaded the board from granting him parole? Probably. Odds are against release of felons recognized as incorrigible and potentially violent.

Proposals such as Rep. Tong's should not run into any opposition, but a Quinnipiac University poll shows little public support for a "three strikes" measure. Only 35 percent of the respondents agreed with its chief proponents who insist that it is needed. The remaining 65 percent did not necessarily oppose "three strikes" legislation, but most favored implementing it on a case-by-case basis rather than automatically for each offender.

Major sticking points include definition of violent crime and whether all three offenses need to be of a violent nature before a life sentence is imposed. In the meantime, the scope of violence is being broadened to include home invasions. That seems valid enough. A burglar entering a home when it is occupied sets the stage for potential bloodshed either by the burglar or by the occupant he may encounter.

Even there, however, the potential for violence can be mitigated by whether the intruder was unarmed. So there is need for discretion. That possible scenario illustrates how "three strikes" mandates and required minimum sentences effectively take a vital courtroom function out of the hands of judges who already are empowered to impose such sentences if they see fit. Ultimately, the legislature maintains final control anyway because it can confirm or reject the appointment of judges considered too lenient or too rigid.

Public safety and crime control are of prime importance, but the cost of keeping more criminals behind bars for longer stretches also figures prominently in the debate. The State's Office of Fiscal Analysis estimates that 103 inmates would be sentenced to life terms annually under the "three strikes" law, as currently proposed in its most draconian form, at a cost of \$4.3 million, snowballing to \$225 million by 2057, plus construction of another \$100 million prison every decade.

The legislature would do well to consider a more constructive investment — funding, training, equipping and staffing an efficient and leak-proof supervised release program that with the assistance of new technology would closely monitor all convicts paroled and on probation. Such a program would identify the incorrigible career criminals, the predators likely to be violent and those earnestly trying and needing help to stay out of trouble. Programs should include effective treatment of paroled convicts whose crimes are triggered by substance abuse. Terms of punishment then could be determined accordingly. To that end, it is probably

time for a through review of the entire penal code.

Of course, the real solution seems idealistic. It lies in preventing crime through early intervention by close and constant interaction in the lives of youngsters by families, churches, community organizations and society in general. Would that really be too much to hope for?

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