



California Cannot Fund Prison Beds

The New York Times reports that California is considering, as a way of addressing its budget crisis, opening prison doors and letting convicts out, but is this wise?

As anyone who has studied closely criminal history information, there is a grave danger that a convict considered to be a non-violent offender actually may have a record of violence that does not appear in his rap sheet. This can include municipal court violations, police investigative reports, imprisonment in which the “controlling” offense may be non-violent but one of the underlying offenses may be violent.



Of course, prisons do hold many people who would not pose a threat if released. There are huge prison populations, and one reason for them is the tendency of government to criminalize almost every type of behavior. This means that correctional facilities include people who have committed violations of the law that do not violate public safety at all. Under the new healthcare scheme adopted by Washington Democrats, for example, individuals will be “required” to buy healthcare or pay a fine. Yet surely those who do neither are no threat to anyone at all.

Violations of environmental regulations, like landowners draining wetlands that are considered needed for waterfowl, is enough to send people to prison. Once, when law was simple and addressed behavior that was obviously wrong — murder, rape, assault, burglary, etc. — there was little reason for citizens to worry about those convicts, provided that they were given a fair trial and their guilt proven beyond a reasonable doubt.

Now there are so many *malum prohibitum* offenses — crimes that do not reflect immoral conduct at all, but simply disobedience to a legislative or regulatory edict — that most people could wind up in jail simply for doing things that they assumed were okay.

The other issue related to the California proposed inmate release is that governments faced with budget problems almost invariably begin with those governmental activities that the public believes are most important. So, when California politicians sit around in Sacramento, they never say, “Let’s introduce a freeze on public employees’ salaries and a 10-percent cut for all public employees making more than \$100,000.” Instead, the discussion goes something like this: “Let’s close down the petting zoo, end park maintenance, stop road and highway repair, cut police patrols, and reduce fire and emergency response services.” In short, politicians look at vital services, like keeping truly violent criminals behind bars, as hostages that can be used against the public.

There are many reasons why prison populations are too high. Decriminalizing much activity would help. Ending overregulation would too. Perhaps offering career criminals a long term or a short trip to another country, after renouncing his citizenship, would be good. Emptying prisons of people who will either commit crimes or end up on welfare, however, is not a good solution.



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