

Hanis Irvine Prothero, PLLC

Budget Crisis: Potential Savings within The Criminal Justice System

Part 1-Mandatory Sentencing Practices



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These are hard times. Our government is in financial distress. As a society, we need to scrutinize our current spending and look for creative ways to cut costs and maximize the resources we have. Certain government functions and duties, such as police and the courts, must be funded. But within the criminal justice system, there are ideas surfacing and re-surfacing which could lead to considerable costs savings system-wide. In this three-part series, I will discuss three criminal justice concepts that are in serious need of a fresh look, particularly from the cost/benefit perspective as we face our current budget crisis: mandatory sentencing and incarceration alternatives, the war on drugs, and the death penalty.

END COSTLY MANDATORY SENTENCING PRACTICES and EXPAND ALTERNATIVE SENTENCING

Legislation in the 80's brought in mandatory sentencing. Laws required that judges impose a jail or prison sentence within a certain range for all offenders, based upon the nature of the crime and the person's criminal history. Even in most property crime and drug cases, judges could no longer suspend sentences or impose treatment-based alternative sentences. Basically, it was just "Lock 'em up!"

The 90's brought us "three strikes" then "two strikes" then "hard time for armed crime" laws. More and more defendants were receiving lengthy mandatory prison sentences. It was clear to everyone that these laws resulted in increased costs system-wide and ultimately would result in the need for more prisons. Lawmakers began to explore alternatives to incarceration for non-violent property crimes and drug offenses.

King County, under former prosecutor Norm Maleng, developed the use of "Drug Court" which has become a national model, slowing down and stopping the revolving door in which drug addicts found themselves. "Mental Health Court" was also developed to help the system deal with mentally ill persons who were committing crimes that were not sex offenses or violent offenses. These alternative courts, focused on rehabilitation and treatment, result in long-term savings to the system. *Increasing* the resources for these alternatives will actually result in long-term savings and will allow more resources for prosecuting and sentencing those who commit serious violent felonies. House Bill 1919, which would increase funding for drug courts, is currently being considered by the legislature and is worthy of support.

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Locally, for municipal and district courts handling misdemeanor offenses, expanding the use of alternatives to incarceration for non-violent offenders will save money. These alternatives include work release, work crew, electronic home detention, community service, and jail credit for in-patient treatment and pre-trial supervised release. Senate Bill 6067 addresses some of these issues and also deserves support.

The “three strikes” law resulted in many men receiving life sentences for crimes that involved little or no injury to their victims, such as second degree robbery and second degree assault. The taxpayers will continue to foot the bill for these life sentences until these 18-30 year-old men grow old and die in prison. There will be increased medical costs as these 18-30 year-olds continue to mature and age beyond their *criminal* prime into their 50’s, 60’s, 70’s, 80’s and beyond. Our legislature recognizes the fiscal implications and has considered legislation to remove second degree robbery from the list of three strike offenses. Simply from a cost/benefit analysis, passage of such legislation would be a wise move, saving money with no threat to public safety. More importantly, a **life sentence is not proportional to the crime committed *when no one is injured.***

Contact your legislators in support of this legislation. Our leaders need to know we will support them when they take progressive steps to get the most we can out of the resources devoted to our criminal justice system.