



## Crime & Punishment

James Alan Fox on criminal behavior and the justice system

CORRECTIONS , COURTS AND SENTENCING

### Soft on crime or just on courage?

Posted by James Alan Fox, Crime and Punishment July 30, 2010 11:15 AM

---

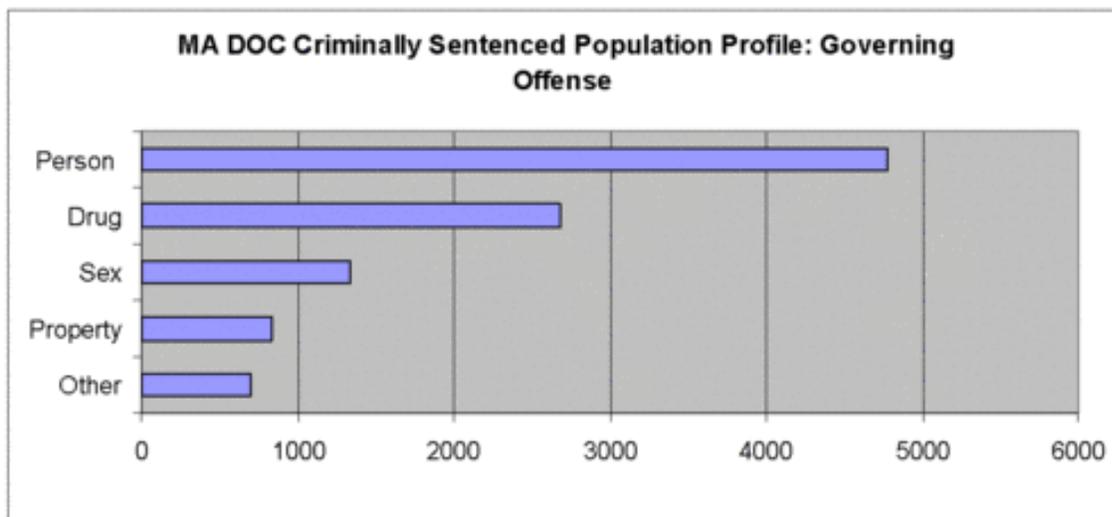
As the end of the lawmaking season grows near on Beacon Hill, several conference committees are struggling against the clock to reach compromise on legislative packages on everything from gambling to health care. One of the most closely watched and contentious negotiations involves criminal justice reform, including modifications to the CORI system designed to improve the chances of ex-offenders to find and maintain gainful employment and sentencing for non-violent offenders. Although it appears that some form of resolution between Senate and House versions will reach the Governor's desk, the advances in the name of justice are in some respects a bit disappointing.

In the area of CORI reform, the length of time before criminal records are to be sealed is, [as I've written before](#), so long that it is be unlikely to make a meaningful difference in reducing the stigma endured by offenders who

have already paid their debt to society. Even more frustrating is the lack of political will to lighten up on non-dangerous offenders.

As this and other states continue to struggle with fiscal constraints, it is both unfortunate and foolish that we continue to overuse prisons as a means of punishing criminals, especially when there are effective and lower cost alternatives for certain offenders. For the most part, prison space should be reserved for violent, dangerous criminals who would create a public safety risk if allowed to walk free among us. By contrast, housing drug and property offenders in prisons is a waste of limited resources.

The figure below displays the offenses for which Massachusetts state inmates were incarcerated as of 2008. Over one-third of inmates living off taxpayer funds are locked up for drug or property offenses. The Senate version of the criminal justice bill would wisely make certain non-violent offenders eligible for parole after two-thirds of their sentence.



Source: [Massachusetts Department of Correction, Annual Report--2008](#)

Unfortunately, this sensible move is being seen by some on Beacon Hill as too much of a political risk. According to the State House News Service, Rep. Eugene O'Flaherty has on multiple occasions expressed concerns that some elected representatives might reject the consolidated bill for fear of appearing soft on crime so close to election time. Conferencing on legislative bills should be more about resolving differences to benefit the public interests, and less about finding the safe path of least political resistance.

As I see it, this overly cautious posture is more soft on courage than soft on crime. This is regrettably just another instance of political leadership being too focused on the 3-Rs -- retribution, revenge and retaliation -- which, of course, tends to produce the fourth R, reelection.