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Fewer Prisoners Doesn't Mean U.S. Is Becoming Soft on Crime

By Vikrant P. Reddy Marc A. Levin
September 6, 2013 5:58 PM

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Michael Barone's article on the home page, "[Time to Ease Up on Crime?](#)" is excellent. His survey of recent history on criminal-justice policy is invaluable. Barone correctly observes that policymakers and the public properly realized that the pendulum had clearly swung too far in the direction of leniency in the 1960s. Accordingly, some of the six-fold increase in incarceration in the following few decades was necessary to keep the public safe from violent and dangerous criminals. As Barone explains, however, in the last several years we have begun to see a slight drop in incarceration rates amidst a growing consensus that too many low-risk nonviolent offenders had been swept into an increasingly vast prison system that too often did not provide results commensurate with the cost to taxpayers.

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Our only quibble with the article (and it's a small quibble) is in the framing of new policy approaches as "easing up on crime." The new policy approaches being embraced by conservatives such as David Keene, Ed Meese, and Grover Norquist (all signatories to the [Right On Crime Statement of Principles](#)) are actually pretty tough — but they're also more sensible than what we had been doing.

Take, for example, a probation program in Hawaii that has received rave reviews from many conservatives. It's called the [Hawaii Opportunity Probation with Enforcement Court](#) — or the HOPE Court. In many jurisdictions, missing a drug test or testing "dirty" while on probation is repeatedly ignored until, finally, the court becomes exasperated and sentences the repeat offender to a lengthy prison stay.

HOPE works differently. The offender does not receive several slaps on the wrist followed by a lengthy prison stay; they receive a swift and certain sanction. The judge, for example, might sentence the first-time probation offender to a weekend in jail. If the offender violates a second time, a slightly longer sentence is given — perhaps a week. In this way, the sanctions are "graduated" until the offender straightens up or the court recognizes that prison time and/or drug treatment are necessary.

Since HOPE was instituted in 2004, the rate of missed and failed drug tests has dropped by an extraordinary 80 percent. The reason is simple—people respond to swift and certain sanctions better than they respond to sanctions that seem distant.

We know one professor who likens the HOPE Court approach to commonsense strategies for disciplining a child. If a child repeatedly takes cookies from the cookie jar, sensible parents do not repeatedly say "don't do that again" and then ground the child for a month once the tenth cookie is stolen. Instead, after the very first cookie is stolen, the child goes to the corner for a brief "time out."

The HOPE Court works, in other words, because it applies tough love. It's "tough on crime" to punish somebody immediately for a parole violation, rather than waiting for repeated violations before throwing the book at them.

— *Vikrant P. Reddy is a policy analyst for the [Texas Public Policy Foundation](#) and the foundation's [Right On Crime](#) initiative. Marc A. Levin is director of the Center for Effective Justice at the [Texas Public Policy Foundation](#) and policy director of the foundation's [Right On Crime](#) initiative.*

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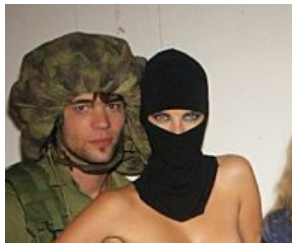
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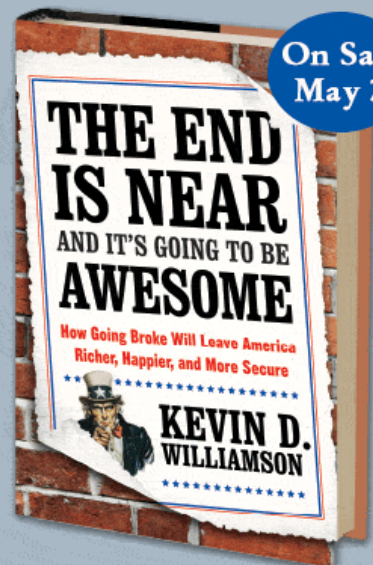
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I'm so glad you used drug laws as an example, because drug laws are nothing more than a bonanza for shysters and the prison-industrial complex. Idjits.

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