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What If We Treated Prisoners Like People? You'd Be Surprised

Despite emerging support for shorter prison terms and more rehabilitation, most low-level nonviolent offenders still end up behind bars for lengthy periods, and mentally ill inmates remain incarcerated under conditions that would try anybody's sanity.

By **Lara Yeretsian** | March 05, 2020



Lara Yeretsian of Yeretsian Law (Photo: Courtesy Photo)

How serious are we about crime? Not serious at all, considering how comically (and tragically) we get things wrong. The United States, with its vaunted tough-on-crime policies, boasts the world's highest rate of incarceration, and the numbers keep rising. Nearly two-thirds of prisoners released at the end of their terms are rearrested within three years. As Einstein is famously credited with saying, "The definition of insanity is doing the same thing over and over again, but expecting different results."

In January the Trump administration joined private prison operator GEO Group in suing California over plans to get rid of private prisons. Assembly Bill 32, which took effect Jan. 1, prohibits (<https://nonprofitquarterly.org/california-votes-to-sunset-its-use-of-private-prisons/>) new private prison

facilities in the state and requires existing facilities to be phased out by 2028.

Private prisons exist because there aren't enough places to house the growing inmate population. Don't get me wrong: Many for-profit enterprises do good work. They provide programs and support that are sorely missing from state and federal prisons, helping reverse the cycle of recidivism. But these are the exception. An inherent conflict lies at the heart of the industry: Private prisons exist to maximize profits for shareholders, a goal directly at odds with traditional criminal justice goals of offender rehabilitation, reducing recidivism rates, and lowering crime rates.

Studies have shown higher rates of assault on guards and fellow inmates at private prisons, as well as significantly more escapes, homicides, and drug abuse compared to government-run prisons. In the Public Interest, a resource center on privatization and responsible contracting reports, "Incarceration for profit has caused many problems, as private companies fail to make decisions in the best interest of the inmates or the communities in which the prisons are located. Private prison companies have employed unqualified guards, resorted to excessive violence and cruelty to control inmates, and provided substandard medical care, resulting in unnecessary deaths."

As a criminal defense attorney, I've seen first-hand what prisons—both public and private—can do to inmates. They're simply terrible places, Petri dishes for further criminality. The fastest way to turn someone into a hardened criminal is to lock them up for an extended time in one of these hell holes.

Here's a preposterous proposal: Spring the criminals from all prisons (except those who've committed horrible acts of violence). Send the drug offenders to treatment programs and get the mentally ill in front of therapists. Put white-collar criminals to work in soup kitchens, after-school tutoring programs, and public service activities. While we're at it, tear down the ugly concrete and barbed wire, and erect affordable housing, day-care and job training centers, and community health clinics.

Crazy? I don't think so. In Denmark, prisoners are (gasp!) treated like human beings. The prisons don't have walls and prisoners are allowed to leave (with the understanding they'll return). If they escape and get caught, they go to higher security prisons. Prisoners' rooms aren't searched (that would be disrespectful). Many inmates make their own food, wear their own clothes, and even have private family visits. Denmark has one of the world's lowest crime rates (http://www.numbeo.com/crime/rankings_by_country.jsp) and a recidivism rate that's about half (<https://www.washingtonpost.com/posteverything/wp/2016/02/02/denmark-doesnt-treat-its-prisoners-like-prisoners-and-its-good-for-everyone/>) the United States'.

Prisons have no purpose other than punishment. Thousands of men and women—many innocent, most minorities, a significant percentage mentally ill—are relegated by our law-and-order society to a toxic waste pit for months, years, and sometimes decades. "Just Mercy" innocence stories are heart-rending, but all prisoner stories are compelling. Hundreds of thousands—children, hard-luck cases, mentally ill—are written off and locked up for drugs, burglary, and other nonviolent offenses. They become less than human and are condemned to lose any chance at redemption.

Last November, Oklahoma—a law-and-order state—granted early release to more than 500 prisoners. All were nonviolent, low-level offenders and the mass commutation—the nation's largest—was done primarily to ease prison overcrowding. It was also lauded as a way to help low-level offenders reintegrate into society.

It's a good start, but it barely scratches the surface. Oklahoma Governor Kevin Stitt told the freed prisoners, "We really want you to have a successful future," but good sentiments don't always translate to good outcomes. Despite emerging support for shorter prison terms and more rehabilitation (e.g., the First Step Act, signed by President Trump in 2018), most low-level nonviolent offenders still end up behind bars for lengthy periods, and mentally ill inmates, whose lives could be changed with proper treatment, remain incarcerated under conditions that would try anybody's sanity.

Getting these people out of prison is an important first step, but it won't happen soon for most inmates. While we push for more early releases, we must take action now to reverse the recidivism spiral. The cycle will reverse only when we improve prison conditions and provide meaningful resources—job training, mental health counseling, medical treatment—for inmates who will one day be part of society.

It's time to actually, finally, irrevocably treat prisoners like human beings.

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