

“DON'T BE THE LAST TO CAST THE OLD ASIDE”

The announcement of the recent layoff of Wilmington Police Officers and a cutback on Fire Protection Service is only a small part of the financial crisis with which Mayor Baker and the Wilmington City Council have to contend. The fiscal crisis with which Wilmington has to struggle is repeated in larger terms for both the State of Delaware and New Castle County.

All over our country, and notably in Texas, New York and Michigan reports support the successful efforts to reduce prison population. The effort has saved hundreds of millions of dollars while at the same time reducing the crime rate. Most of these efforts have been related to the abolition of the mandatory minimum sentence.

Delaware historically has resisted change in how we incarcerate people and how we treat people who are charged with a crime. We cringe when we read or hear news reports of a woman being whipped in a foreign country for violation of its penal code. The fact that we cringe over such reports indicates that we have a short memory. A Delaware man was actually whipped as late as 1952. It's use in 1952 was the last time it was used in the United States. The Delaware whipping post was part of Delaware law until it was repealed in 1972. Delaware is believed to be among the last of the states to prohibit its use.

There was a time when the cost of incarceration did not approach today's expensive level. How many times has the News Journal reported plans for construction of additional prison space, the cost of providing competent medical care for prisoners, disastrous effect of overcrowding, the brutal rape of a prison employee, the supervision imposed by the Federal Court on the quality of medical care for prisoners? We have a tendency to not remember but when we incarcerate people, we literally become trustees for their welfare. We have to ensure that they are housed, fed, provided quality medical care and protection in a humane way. If projections are correct, the cost of operating Delaware's Correction System in 2011 will approximate \$250,000,000.00.

Our thirst for incarceration has us to the point where money desperately needed to keep police on the street, the fire fighters on the trucks, to provide basic medical care for the poor (who are not guilty of anything more than being poor) is not available. These funds have been commandeered to satisfy our thirst for incarceration. Good and decent legislators are attempting to alert us when they say “we are going to have to look at Medicaid.” We know that means Medicaid assistance is going to be cut. Money has to come from somewhere to pay the \$44 million needed for medical care for the prison population. Perhaps money for public safety and for medical assistance for the poor would be available, if the state would adjust the penal code to allow Delaware judges to decide who should be confined to prison. The evidence from other jurisdictions is that when that discretion is available at sentencing, the prison population is reduced.

Public Safety requires some violators of the law to be incarcerated to protect us from demonstrated violent and dangerous tendencies. Unfortunately, because of our tendency not to make changes in the law, prisons are overloaded with a mixture of violent, as well as low risk prisoners.

Our reluctance to change has left us with a whole raft of laws that require mandatory minimum periods of incarceration. Laws that ignore the quality of risk a potential prisoner may demonstrate operate to keep our prisons filled to capacity.

The time has come to abolish all mandatory sentencing laws. With the appropriate guidelines Delaware judges, judges from our families, our neighborhoods, and our communities have demonstrated both the ability and competence to incarcerate those who are a risk to our safety and to sentence those who do not pose a risk to everything from house arrest, probation with restitution, education and employment, supporting a family and averting contact with undesirable people.

We need now a study of the financial impact of incarcerating low risk prisoners. We need now to have money saved by reducing the prison population to support public safety, to pay decent salaries to our police and firemen, to provide decent salaries to our prison personnel and to provide quality training for all of our public safety personnel and yes, we need to provide quality medical care for the poor and the underprivileged.

The day will come when mandatory sentences will be an unhappy memory. Please don't let it be delayed as long as it took us to abolish the pillary and the whipping post.

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