

## **CRIME: The Right Conditions for the Perfect Storm**

Sheriff Terry Maketa

There has been plenty of discussion lately, concerning the increase in crime at both the local and national level. More surprising are the comments made by law enforcement professionals as to the reasons for the increase. The bottom line is no one should be surprised and in my opinion, this trend will continue. Let me offer some suggestions as to why the conditions for a perfect storm exist and will likely continue to grow.

Crime in general is not just a local law enforcement issue. Many variables affect crime rates. First, we must begin with the understanding that national crime is a direct reflection of local crime; they are one in the same. The inequity occurs based on who is compiling the statistics and how they choose to count them. For example, per capita figures are directly tied to population increases or decreases. In communities throughout Colorado, the population growth may outpace the increase in criminal acts committed. One could therefore, draw the conclusion that crime is decreasing when in reality a variety of criminal acts may be on the rise. If one looks at the actual number of crimes committed, they would appear as an upward trend. Actual numbers show the demand on law enforcement agencies and why so many communities are funding additional officers and continuing to invest in the criminal justice system. These actual numbers are not often used to measure crime statistics at the national level because they do not illustrate the potential for victimization, whereas per capita figures will.

To predict future crime rates, we must understand that national, state, and local policies play a huge role in local crime. For instance, the Reagan Administration placed an emphasis on the “war on drugs” and millions of federal dollars were spent to fund this “war.” This effort was effective; it slowed drug trafficking and reduced drug use in the United States. The result was a tremendous effort from all levels of law enforcement to affect the trafficking and the use of illegal drugs. Thousands of offenders were incarcerated, sentences were increased, and prisons and jails were expanded as a result. Some expansions were funded by federal dollars to support this “war on drugs.”

The Clinton Administration implemented the next significant national policy change that affected crime. This administration continued to invest in the reduction of drug trafficking and use. However, it went a step further and focused on crime in general through a newer approach or one could argue an old approach reborn. The Clinton Administration introduced the concept of community oriented policing, known as the COPS program. The COPS program strived to put 100,000 new officers in communities throughout the country using federal grants. Typically, these grants lasted three to four years after which the communities were obligated to continue funding the positions for two years. I am not sure 100,000 local law enforcement officers were actually hired and some claim the goal fell short by 20-30,000 officers. According to national statistics, those 70,000 to 100,000 additional officers had a direct impact, which resulted in the decline of crime. Agencies had more arrests than ever before, more cases were cleared, and more offenders were sentenced to local jails and prisons.

Toward the end of President Clinton’s first term, incarceration rates were escalating at surprising rates, technology and training grants increased the effectiveness of local law enforcement officers,

and communities felt safer and this sense of security was supported by national crime reports. However, subtle changes began to impact local communities. The first was the reduction of federal funding for local law enforcement. Without federal funding, distressed communities could not afford to retain the officers hired through grants, maintain the technology implemented, and construction and expansion of local jails and prisons ceased. Although these dollars were minimal in the grand scheme of the national budget, it started the domino effect that gained momentum into the next administration.

The next national policy change began to take shape under the Bush Administration. Crime rates were low and holding steady, communities felt safe, and federal funding for local communities was not a priority. This changed drastically with the horrific events of September 11, 2001. Following the attacks on 9-11, the fear of biological or chemical attack by our enemies manifested. The Department of Homeland Security (DHS) was formed and airport security became federalized under the Transportation Safety Administration (TSA). With emphasis on airports and air travel, local law enforcement took on more burdens far beyond airports. Local law enforcement also had to be concerned with major rail yards, ports of entry, and shipping harbors. Local law enforcement continues to play a role today by intelligence gathering, supplying the intelligence to newly formed terrorism task forces, and providing additional patrols for identified critical infrastructure. Many of these new duties and responsibilities became the financial responsibility of local communities and many were unfunded mandates. If that was not enough to change the priorities at a national level, this country witnessed two years of severe regional drought that produced wildland fires of monumental proportions. Following the massive wildland fires, hurricanes pummeled the south devastating New Orleans and the surrounding communities. These events clearly influenced the priorities of the Bush Administration.

Over the past six years, local law enforcement has witnessed the demise of federal funding dedicated to local law enforcement. Federal funding for additional officers was all but eliminated and technology funding dwindled with the money diverted to disaster mitigation, fire response, bio and chemical response, incident command training, communication interoperability, the Departments of Defense, and DHS. Frankly, both need the funding; however, agencies like the Federal Bureau of Investigations (FBI), and Immigration and Customs Enforcement (ICE) found themselves operating under new national priorities. Crimes like bank robbery, white-collar crime, violent crime, drug trafficking, kidnapping and the proliferation of illegal immigration was not the priority it once was and the primary enforcement of those crimes shifted to local law enforcement without any funding to support this shift.

Today, we are witnessing declines in federal funding to local communities. For example, the Federal Local Law Enforcement Block Grants were reduced by 72% from 2001 through 2004; reimbursement to local jurisdictions for housing illegal aliens has been reduced by more than 45% over the past four years, and Byrne and/or Justice Advisory Grants have been reduced by more than 30% during that same time period. The national focus has changed and local communities have been left to deal with the mounting responsibilities.

Local decisions have contributed to this storm as well. With nearly 15 years of intense crime reduction efforts funded at a national level, local communities are burdened with over crowded jails, prison systems lacking proper re-entry and viable community correction programs. We also

see broad chemical dependency and mentally ill populations that do not have the sufficient resources to address these growing problems. Local court systems are inundated as a result of new laws and are more focused on managing volume, which translates to pushing cases through the system. The pursuit of justice has deteriorated. Local jails are inundated with new mandatory jail sentences which are pushing the jails to their capacity. Local law enforcement is asked to do more with the same and in most cases do more with less than ever before. The community expectations are high and why not, people feel safe because of 15 years of declining crime rates. Unfortunately, the first half of 2005 and 2006, crime reporting shows the tides are changing.

As mentioned previously, law enforcement made more arrests during the Reagan and Clinton Administration and it was not just arrests, convictions also increased. The “war on drugs” netted thousands of offenders for our prison systems. Currently, states are struggling with overcrowded prisons, just as counties around the country are dealing with over-crowded jails. State prison systems, through legislative efforts are finding ways to release offenders early. In addition to early releases, thousands of offenders incarcerated by the “war on drugs” are completing their sentences and returning to our streets. Most offenders will be released without being properly prepared for reintegration into our community and society. In fact, the recidivism rate among Colorado state inmates is 49%. Simply put, half of those released will commit a crime within three years upon their release and those deemed most likely to re-offend have a recidivism rate of 95%. This translates to 95 out of 100 high-risk inmates released onto our streets will commit a crime and be re-incarcerated. This should be shocking! It is unthinkable we can predict the potential of an inmate to re-offend; yet, they are released on parole only to victimize our citizens again. Crime prevention and public safety is being grossly sacrificed due to financial shortfalls. In Colorado alone, 1,100 offenders are released from prison each month and El Paso County is home to nearly 1,000 parolees. These numbers are in addition to approximately 6,000 offenders on court ordered probation.

Unfortunately, state prisons are at or beyond their capacity and county jails are forced to house offenders who have been sentenced to state prisons. This means local tax dollars are funding a state responsibilities due to legislative decisions and state policies. Simply stated, the state is passing its’ responsibility to the county in the form of an unfunded mandate.

Today, the El Paso County jail holds more parole violators than ever before. These parolees are released from prison and in some cases prior to the completion of their sentence; they are supervised by parole officers, and are re-offending at record numbers due to a new state policy/law known as mandatory parole. If the parolee commits a crime or violates rules of their parole, they should be returned to prison. However, they are not going back to prison to finish their sentence; they remain in the county jail for unreasonable lengths of time and are simply returned to parole status. On any given day, the El Paso County Jail will house 130 to 150 parole violators and 120 inmates sentenced to the state prison system. As a comparison, five years ago the El Paso County Jail held on average 25 parolees per day. State inmates are taking 250-270 beds per day in our county jail. The result is a crowded county jail and more and more jails throughout the State are forced to adopt policies prohibiting the incarceration of pretrial misdemeanor offenders. This may explain why the average inmate has a lengthy arrest record and in some cases up to 30 prior arrests before receiving a prison sentence.

To sum it up, we are in an era where federal funding for local communities has diminished, homeland security initiatives have been forced on local law enforcement, and the changing priorities of the FBI, and ICE have burdened existing law enforcement resources. Prisons are trying to find ways to release offenders convicted of crimes and paroling them into our community, knowing they will re-offend. County jails are full and local communities do not have the will or resources to address these unfunded mandates.

The provocative question is what will we witness in the future? Will communities continue to be reluctant to fund additional law enforcement officers and the resources to combat crime? This will favor the offenders who view crime as risk vs. reward proposition; and under these circumstances, the risk is minimal. Legislators will continue to find ways to cut prison cost, focus on leniency and lighter sentences resulting in more prematurely released offenders on our streets. The decriminalization of certain crimes is also a possibility. Then, more criminals than ever will be roaming our streets in addition to those currently preying on our citizens.

Communities like El Paso County will continue to experience growth, but who will respond to the crime that inevitably comes with growth? According to local and national trends, fewer qualified candidates will enter the law enforcement profession because of poor pay, dwindling benefits, and schedules that include shift work. Some agencies have already lowered hiring standards simply to fill vacancies and this should cause serious concern for our society.

Up until 2005, this country experienced a record decline in crime, specifically violent crime, and at the same time witnessed the local and national rate of incarceration increase. Is there a direct correlation? I am convinced there is but I also recognize offenders have more rights than law-abiding citizens. Our society is becoming more tolerant of crime and less tolerant with the concept and cost of crime reduction and incarceration. That attitude, combined with the issues discussed, form the right elements for the perfect storm, a storm of crime.