

Make Punishment Fit Crime

Groups Push for Alternatives to Prison

By KAREN FELD, *Independent News Alliance*

WASHINGTON—Sixty-five-year-old Victorian Theoret, a retired Roman Catholic priest and a former philosophy and humanities professor, was recently sentenced to a year in jail by Dade County, Fla., Judge James Rainwater. The crime: He drowned five stray cats so, he claimed, they would not starve to death.

Theoret broke the law but few consider him violent or a danger to the rest of society—yet it will cost the taxpayers between \$10,000 and \$25,000 to feed, clothe and house him in an overcrowded prison for one year.

Many judges, attorneys and others in the U.S. criminal justice system agree with Randolph C. Berg Jr., director of the private Florida Justice Institute, in his assess-

ment that "putting a person in a cage doesn't reduce the crime. Therefore, you've got to work in some sort of beneficial payment to the community and to the victim."

Those who favor practical alternatives to jail for non-violent offenders might agree that a cat-killer should have been sentenced to work in the county animal shelter for a designated period, rather than be jailed.

Washington, D.C., attorney Ira Lowe also feels that prison terms are often counterproductive. Lowe is the founder of the nonprofit organization Creative Alternatives to Prison, which hopes to cut the prison population in half by providing restitution to the victim, rehabilita-

tion to the offender and savings to the taxpayer. Lowe estimates the potential savings to be about three-quarters of a billion dollars, noting that each state could save the \$15-million to \$20-million cost of a new 500-bed prison if it did not incarcerate 500 of its least-dangerous offenders.

Lowe practices what he preaches: When his client, John Ehrlichman, was sentenced in the Watergate case, Lowe asked Judge John J. Sirica to sentence Ehrlichman to a supervised term of public service, rather than straight probation.

More than half of the half-million people incarcerated in the United States have committed victimless crimes or crimes against property. Prison conditions tend to encourage anti-social behavior, often leading to break-up of marriages, the addition of women and children to the welfare rolls, and placing an additional burden on the taxpayer. Therefore, practical alternatives to imprisonment are gaining public acceptance.

For example:

—A Chicago man known as "Weird Harold" was con-

victed of selling pornographic books. Instead of sentencing him to jail, the judge sentenced Harold to donate 3,000 quality "clean" books to the county jail's library.

—A Maryland ear, nose and throat specialist found guilty of Medicaid fraud was sentenced to work in the medical clinic in the Prince Georges County prison for one day a week—for a total of 400 hours. This saved the county the cost of transporting prisoners to a specialist at the hospital and made use of the physician's skills and training.

—A Tucson barber was convicted of stealing from Salvation Army drop boxes. The judge ordered him to give free haircuts at the local Salvation Army Men's Social Service Center.

"I feel an attorney has an obligation from the moment he is appointed to represent the defendant up to and including incarceration, if that's the sentence," says the Florida Justice Institute's Berg. He plans to propose that an amendment specifying that obligation be added to the American Bar Assn.'s Code of Professional Responsibility.