

Time for a National Dialogue on Crime?
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No matter what we do, our prisons seem to get more and more crowded. Judges are often given no choice in the sentencing for certain crimes, and the crimes we list on the books keep growing. Just as we need to redo the nation's infrastructure each half-century, we need to redo our justice system.

Definitions. Crimes are actions by a person to deliberately harm another or others: physical violence (assaults, rapes, murders), property harms (theft, holdups, home invasions, and monetary scams), and violations of trust (doctors, lawyers, financial managers who do harm to their clients).

Drug Laws. In our laws today, we punish people for having or selling certain drugs or for using them. Let's drop all such laws and instead punish people for crimes done under the influence of these substances. They should be punished for physical violence (wife beating or bar fighting), property harm (damages from bad driving), theft and robbery (to support drug habit) and murder (while driving or under the influence). There should be no excuse for actions caused by intoxication or drug abuse. We should punish the results, not the cause.

Punishment. We no longer put people in the stocks where citizens can throw eggs at them. Punishment doesn't seem to deter crime. Rather, we must lock up people who are a real danger to the public and keep them there as long as they are dangerous. For this, we need to consult the new knowledge we have of how the brain works. Adolescents or criminals in their 20s may be very different in their 40s and may no longer be a public danger. Crimes of violence are generally crimes of the young and immature. But there are exceptions: young criminals so damaged that they remain a menace to society.

One violent crime, however, that of pederasty (sexual abuse of children) does not seem to disappear with age. We probably need to keep these offenders locked up for life, unless brain science can offer a cure.

Geriatric Prisoners. One enormous expense for most of our prisons today is housing prisoners who have been incarcerated so long that they are very old or sick. Keeping such prisoners locked up (with the exception of sexual predators) is costly and probably unnecessary. And even if they are sexual predators, there should be separate departments or prisons where all geriatric prisoners may receive care. This will save a great deal of money and is obviously more humane.

Can Prisons Reform Criminals? In the 19th and early 20th centuries, reform movements to turn criminals from crime flourished. The very name, Penitentiary, meant that prison was a place for the criminal to repent. That certainly has not worked in most cases. Some criminals turn themselves around by growing more mature, but there are others who were young and impulsive who grow hardened and learn worse things in today's prison environment.

Breaking the Prison Culture. If we can empty the prisons of all users and even sellers of narcotics who have not done harm to anyone else (and this includes women and young men who prostitute themselves out of need for drug money), we will have much more room in prisons for those who are dangerous.

Women's prisons are filled with predominantly non-violent women who were more sinned against than sinning. The really violent ones must be locked up and the rest of them given other kinds of help to reform them. They need to learn how to support themselves by getting schooling and social help that they need.

Even violent criminals can benefit from being locked up in a prison that offers classes, opportunities for art, gardening, and drama, to become better and more self-aware human beings even if never released. We need not punish them forever; we are only protecting society from dangers that can be prevented.

And as we learn more about genetics, about how the brain works, and how to fix certain defects both in the brain and in society, we may eventually stop the cycle of criminality passed down through generations of some families and communities. I would love to hear what you think.

685 words

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