

Opinion: DA Rosen should take holistic view and champion reform

By Eugene M. Hyman

As a retiring judge, I am circumspect about many issues in the criminal justice system -- but the recent election of Jeff Rosen as Santa Clara County district attorney presents a great opportunity for reflection on the role of the prosecutor.

Rosen has a unique role in law enforcement and has the potential to become a power broker with much currency. In the past, it may have been reasonable for the prosecutor to execute his duties with a strict and limited perspective -- namely, to prosecute law offenders and jail them. What I urge instead is for Rosen to broaden his horizons, increase his sphere of influence, summon courage and exercise leadership to shape a more enlightened legacy.

While he should be assiduous in his pursuit of justice, it can never be at the expense of the safety of society.

We have an expensive and overburdened prison regime, and Rosen can play a central role in making the system work smarter. With a staggering annual incarceration cost of \$9.5 billion, it is incumbent upon him to consider the root of this leviathan housing issue. At a minimum, he could posit the existence of more effective and economic alternatives.

From here, the picture deteriorates from catastrophic to abysmal. The rate of parole violation of more than 65 percent coupled with a recidivism rate of 7 in 10 should sound alarms. Not only is 60 percent of the prison population illiterate, but many prisoners are also afflicted with mental health issues compounded by substance abuse. Mixing these prisoners with the hardened variety, marinating in a highly violent environment, is a recipe for a toxic brew that only defers criminal behavior.

There is a paucity of rehabilitation provided to those who have the capacity for rehabilitation. But a revolving-door approach to prison cannot be acceptable and is no longer affordable. By demanding and expecting accountability from correctional institutions and county probation departments, Rosen can begin to redress these shortcomings.

There are numerous ways this can be accomplished, not the least of which is by setting performance goals and implementing a results-oriented evaluation not unlike those used in the school system.

Rosen need not champion these issues alone: There were more than a half-dozen new district attorneys elected in California on the same day he was. They should convince the California District Attorneys Association that their concerns merit its support and collaboration.

If the costs of housing inmates are great, the costs to society are even greater. The cycle of crime is not broken, and for this reason, Rosen should "see the forest" and adopt a holistic approach to his responsibilities

An enlightened prosecutor like Rosen is aware that the families of criminals often appear

simultaneously in different divisions of the court. Why is this important? Because the children frequently become defendants themselves. Assuming stewardship over the well-being of children is not only pre-emptive of future crimes but is perhaps the noblest of undertakings. It requires the collaborative of the police, probation officials, defense attorneys, the courts and social services, to name but a few.

To this end, it is critical that deputy prosecutors have training and access to all collateral information to understand how criminal cases affect others in different divisions of the court and how that information may be useful in the criminal court.

We cannot possibly desire a prison system reminiscent of Victor Hugo's infamous Bagne of Toulon any more than we can neglect the plight of children caught in the spiral of crime. Rosen can make a difference by spotlighting the failure of rehabilitation and by championing the protection of children. He will be raising the bar for all partners in criminal justice.