

# Idaho Statesman

## **Gov. Little says Idaho is the land of the free. Then why are so many Idahoans caged?**

Bryan Clark

December 3, 2021

Gov. Brad Little recently touted Idaho's ranking in the Freedom in the 50 States report.

"There is a reason this sought-after report says Idaho is one of the most economically and socially conservative states in the country. Idaho prides itself on minimizing the role of government in the lives of citizens and in the operation of businesses," Little said in a news release.

It's worth digging into this report. What Little says is partly true, but the report also gives Idahoans reason to despair at their governance.

The CATO Institute, which prepared the report, is a libertarian think tank founded and funded by the billionaire Koch brothers. The institute's work is consistent with that ideology. You can't count on it for a good evaluation of the quality of the state's education system, for example, since it will in all cases view less spending on education, and more privatization of education, as better, regardless of student outcomes.

The report can nonetheless provide some insights into certain aspects of government policy, taken for what it is. And there was one important insight to be gleaned from the report Little touted: Your taxes are low. Your state doesn't have much debt. But you would enjoy more personal freedom living in nearly any other state, since Idaho ranks at 42 of 50.

The report also finds that personal freedom is declining significantly each year in Idaho, falling 10 places downward since 2015.

At the center of Idaho's personal unfreedom is the most basic kind of unfreedom: the number of people living in cages. Idaho has quite low crime rates, generally hovering around the 10th safest

state in terms of per capita violent crime. But it has a very high incarceration rate, the ninth-highest in the country, according to the Sentencing Project.

“Idaho is among the worst states outside the Deep South on criminal justice policy,” the Cato report notes. “Crime-adjusted incarceration rates are nearly a standard deviation above the historical national average, and the drug enforcement rate is high and rising. Nondrug victimless crime arrests are better (lower) than average, suggesting that the state’s biggest problem is sentencing.”

Idaho’s top-tier “fiscal freedom” score could soon be imperiled by exactly this issue. Idaho has had to send hundreds of its inmates out of state to be housed in other states because it has imprisoned far more people than it has capacity to house. Often, these states will only accept inmates with few disciplinary issues, creating a perverse incentive structure: follow all the rules, and you might get shipped to Texas, where your family and friends cannot give you the brief respite of a visit; get in a few fights, and you will be able to see your family.

Idaho’s existing facilities have poor safety controls in place because they are underfunded.

So there have been repeated calls to build a new, massively expensive prison in Idaho. There are only three ways out of that: more taxes, more debt or reducing incarceration.

There are sensible ways to reduce incarceration while preserving public safety.

Release more people imprisoned for nonviolent parole violations. Significantly reduce sentencing guidelines for both drug possession and drug trafficking offenses. Eliminate mandatory minimum sentences, allowing judges to take the totality of the circumstances of a crime into account when issuing a sentence.

Ideas like these have been floated at the Legislature in recent years, but none have moved forward.

The state could also likely save money by ensuring that indigent defendants — a huge portion of criminal defendants — have adequate representation in court. Most do not now because public defense is massively underfunded in Idaho, especially when compared with the amount of spending on prosecutors.

The paltry reforms the Legislature put forward for the public defense system have failed to adequately address the problem.

Low taxes are nice. Low government debt is nice. But you can't brag about how free the Gem State is when crime is so rare, but an inordinate number of Idahoans are deprived of all freedom. That is not "minimizing the role of government in the lives of citizens."