

Beyond Bars: Transformative Strategies for Reducing Prison Congestion in the United States of America

Chukwuebuka Festus Okoli

Bachelor of Laws, LL. B (University of Nigeria)

Master of Laws, LLM, Intellectual Property and Technology Law

(Washington University School of Law, St. Louis, Missouri, United States)

Abstract:- The United States has an excessive number of incarcerated individuals. The number of incarcerated individuals surpasses 2.3 million, which is greater than any other country. This research analyzes the issue of overcrowding in US jails and presents innovative solutions. The paper commences by elucidating the prison system and the philosophical rationales for both punishing and rehabilitating offenders. The essay subsequently examines the imposition of harsh sentences, the government's "War on Drugs" campaign, flawed bail procedures, insufficient rehabilitation and reintegration initiatives, violations of parole and probation terms, challenges in allocating resources, and the accumulation of legal system delays that contribute to prison overcrowding. This analysis explores the ramifications of overcrowding on both convicts and staff, encompassing aspects such as emotional and physical well-being, safety, and the functioning of the prison system. The study suggests an inclusive approach to this key matter. In order to decrease the likelihood of repeat offenses and facilitate the process of reintegrating individuals into society, it suggests implementing more extensive rehabilitation programs that prioritize education, vocational training, and mental well-being. Additionally, it analyzes the potential for expediting jail construction and circumventing public resistance through the privatization of jails. Furthermore, it suggests the deliberate expansion of jails in order to accommodate a greater number of prisoners. It underscores the importance of implementing strategies to enhance the utilization of resources and the provision of services. Furthermore, it emphasizes the importance of overhauling bail procedures to prevent the incarceration of persons who are unable to afford it, thereby compromising the fundamental premise of presumption of innocence. Furthermore, it suggests the reduction of lengthy incarceration periods, particularly for individuals who have committed nonviolent offenses, while promoting alternative forms of punishment and rehabilitation approaches. Furthermore, it underscores the importance of implementing drug courts and restorative justice practices as a means to prevent incarceration of nonviolent offenders. Additionally, it advocates for the implementation of early release initiatives that give priority to the rehabilitation and reintegration of individuals into society, while also incorporating risk assessment and supervision. Final recommendation: Revise parole violation procedures to prioritize

rehabilitation and fairness, rather than resorting to incarceration for offenders. Ultimately, the study highlights the urgency of implementing comprehensive prison reform to tackle the issue of excessive overcrowding and guarantee the humane treatment and rehabilitation of criminals. This research analyzes the issue of jail overcrowding in the United States from multiple viewpoints and suggests numerous effective strategies to decrease the number of people in prisons.

Keywords:- Prison Overcrowding, Correctional System, Rehabilitation, Sentencing Practices, War on Drugs, Bail Procedures, Recidivism, Resource Allocation, Legal System Backlogs, Inmate Wellbeing, Prison Privatization, Prison Capacity, Bail Reform, Sentencing Reform, and Alternative Sentencing

I. INTRODUCTION

A primary feature of the criminal justice system is the punishment of offenders and re-integration into society. This punishment often requires locking or keeping offenders away from society for a time depending on the gravity of the offence, if it qualifies as a simple offence, misdemeanor or felony. This locking away is done in an institution with a building architecture that presupposes restriction and is built to discourage entry from one side into the other side. In medieval times, islands were considered the perfect place to incarcerate recidivists especially serial murderers or criminals motivated by mental or psychological disorders. As society evolved, so did criminality and society's approach to it, including the organisation and style of prisons set out to punish offenders. There however seems to be a discord between criminalization and the correctional mechanisms in place to combat it. Correctional services are thus caught in the middle of competing interests of protecting society from the wrongdoing of offenders and the consequences thereof, with their duty to correct the character of these inmates and rehabilitate them through activities such as therapy, sports, moral instructions, skills acquisition, religious activities, library access and other social activities.

Although the system and structure can achieve its objectives it is fraught with many challenges that hinder the attainment of these objectives. Aside from the obvious challenge of the unwillingness of inmates, the correctional system is grossly underfunded. This has caused congestion of

prisons as many prisons in the world especially in the United States are housing more inmates than its capacity.

In this study, the issue of prison congestion will be appreciated, highlighting the factors contributing to congestion, and the impact of congestion on inmates and prison staff. It will also suggest and recommend transformative strategies in terms of legal and policy reforms to reduce prison congestion in the United States of America.

➤ *Research Questions*

- What are the various ideological justifications for punishment and rehabilitation of offenders in the correctional system?
- What are the key factors contributing to prison congestion in the United States?
- What are the impacts of prison overcrowding on inmates and prison staff?
- What are the potential strategies for reducing prison congestion in the United States?
- How can comprehensive prison reform address the systemic challenges of overcrowding and ensure the humane treatment and successful rehabilitation of inmates?

➤ *Research Objectives*

- To examine the foundations of the correctional system and the various ideological justifications for punishment and rehabilitation of offenders.
- To delve into the factors contributing to prison congestion in the United States, including harsh sentencing practices, the "War on Drugs," bail procedures, lack of rehabilitation and reentry programs, parole/probation violations, resource allocation challenges, and legal system backlogs.
- To thoroughly examine the impacts of overcrowding on both inmates and prison staff, demonstrating the detrimental effects on mental health, physical wellbeing, safety, and overall prison operations.
- To recommend a multi-pronged approach to address the prison overcrowding crisis, including expanded rehabilitation programs, prison privatization, strategic capacity expansion, bail reform, sentencing reform, alternative sentencing programs, early release programs, and revised policies regarding parole violations.
- To emphasize the urgency of comprehensive prison reform to address the systemic challenges of overcrowding and ensure the humane treatment and successful rehabilitation of inmates.
- To provide a multifaceted analysis of the prison overcrowding crisis in the United States and present a range of evidence-based strategies to transform the correctional system and reduce congestion.
- To contribute to the ongoing discussions and policy debates surrounding prison reform and the need for a more effective and efficient criminal justice system in the United States.

II. LITERATURE REVIEW

The correctional system in the United States has long been a topic of significant debate and scrutiny, with a particular focus on the issue of prison overcrowding¹. The United States currently has the highest incarceration rate in the world, with over 2.3 million individuals incarcerated². This crisis of prison congestion has far-reaching implications, not only for the individuals behind bars but also for the broader society and the effectiveness of the criminal justice system as a whole. The foundations of the correctional system are rooted in various ideological justifications for the punishment and rehabilitation of offenders³. The "Treatment Ideology" views the offender as "sick" and in need of treatment to address the underlying causes of their criminal behavior, while the "Preventive Ideology" focuses on changing the offender's environment to prevent future crimes⁴. The "Punitive Theory," on the other hand, emphasizes punishment as a means of deterrence, retribution, or incapacitation⁵. These competing ideologies have shaped the evolution of the correctional system and continue to influence its policies and practices.

A myriad of factors have contributed to the crisis of prison overcrowding in the United States. One of the primary drivers is the implementation of harsh sentencing practices, such as mandatory minimum sentences and "three-strike" laws, which have resulted in longer prison terms for offenders, even those convicted of non-violent crimes⁶. The "War on Drugs" has also played a significant role, as a large percentage of those incarcerated are serving time for drug-related offenses, many of whom are non-violent offenders⁷. The bail system in the United States has also been identified as a contributing factor, as a large number of individuals are incarcerated simply because they cannot afford to pay bail, undermining the presumption of innocence⁸. The lack of

¹ Charles Angelos and James B. Jacobs, "Prison Overcrowding and the Law," *The ANNALS of the American Academy of Political and Social Science* 478 (1985): 100-112.

² [2] Sentencing Reform and Corrections Act of 2015 (SRCA), S. 2123, sponsored by Senators John Cornyn (R-TX), Sheldon Whitehouse (D-RI), Mike Lee (R-UT), Charles Schumer (D-NY), Lindsey Graham (R-SC), Patrick Leahy (D-Vt.), Cory Booker (D-N.J.) and Tim Scott (R-SC).

³ B.N. Tan, "The Paradox of Punishment," reprinted in J. Simmons et al. (eds.), *Punishment* (London: Routledge, 1995), 65-78.

⁴ Ibid.

⁵ Ibid.

⁶ Darius Geegbe et al., "Effects of Prison Overcrowding On the Rehabilitation of Inmates in Liberia: A Study of Monrovia Central Prison," *British Journal of Psychology Research* 10, no. 1 (2022): 1-17.

⁷ Ma. Victoria T. Juan et al., "Jail Congestion; Its Effects on the Well-being of Inmates," *British International Journal of Education And Social Sciences* 6, no. 9 (2019).

⁸ Edison Agbesi, "Causes and Effects of Overcrowding at Prisons: A Study at the Ho Central Prison, Ghana," *Public Policy and Administration Research* 6, no. 5 (2016): 4.

effective rehabilitation and reentry programs has been another key issue, as high rates of recidivism suggest that the current system is failing to address the underlying causes of criminal behavior and facilitate successful reintegration into society⁹. Furthermore, the violation of parole or probation terms can lead to the automatic return of offenders to prison, further exacerbating the issue of overcrowding¹⁰. Resource allocation challenges, such as the underfunding of correctional services and the backlog in the legal system, have also been identified as contributing factors to the problem.

The impacts of prison overcrowding on both inmates and prison staff are well-documented and deeply concerning. Overcrowded prisons can lead to a deterioration of mental and physical health, increased violence, and the spread of infectious diseases among inmates¹¹. The lack of resources and opportunities for rehabilitation, education, and vocational training further compounds the problem, as it undermines the system's ability to effectively rehabilitate and reintegrate offenders¹². The conditions in overcrowded prisons can also erode the dignity and sense of self-worth of the incarcerated individuals, contributing to a cycle of recidivism and further entrenching the systemic issues within the correctional system. The impact on prison staff is equally significant, as they are more vulnerable to potential aggression from inmates, increased risk of infection, and heightened levels of stress and mental health challenges. The overwork and strain on the prison staff can also impede their ability to effectively guide and support the rehabilitation of inmates, further hindering the overall effectiveness of the correctional system.

In response to the pressing issue of prison overcrowding, researchers and policymakers have proposed a range of transformative strategies to address the crisis. One of the key recommendations is the expansion of rehabilitation programs that focus on education, vocational training, and psychological support for inmates¹³. By addressing the underlying causes of criminal behavior and providing inmates with the tools and resources to successfully reintegrate into society, these programs have the potential to significantly reduce recidivism rates and alleviate the strain on the correctional system. Another proposed strategy is the privatization of prisons, which could enable the faster construction of new facilities and potentially circumvent public opposition to the expansion of the prison system¹⁴. Proponents argue that private firms may be better equipped to

build and maintain prisons, potentially alleviating the burden on public resources. However, the privatization of prisons has been a controversial topic, with concerns raised about the potential for profit-driven incentives to undermine the rehabilitation and humane treatment of inmates.

Increasing overall prison capacity through strategic expansion has also been considered as a potential solution to the overcrowding crisis. This approach, however, must be coupled with reforms to improve resource allocation and service provision within the correctional system, ensuring that the increased capacity is accompanied by the necessary resources to provide adequate rehabilitation and reentry support for inmates¹⁵. While this recommendation may face resistance from taxpayers and the public, it remains a viable option for addressing the immediate challenge of overcrowding, particularly when combined with other reform efforts. Bail reform has also been identified as a critical component of a comprehensive strategy to reduce prison overcrowding¹⁶. The cash bail system in the United States has been criticized for disproportionately impacting low-income individuals, who often remain incarcerated simply because they cannot afford to pay bail, undermining the presumption of innocence¹⁷. Reforms that prioritize alternatives to cash bail, such as risk-based assessments and pre-trial release programs, have the potential to significantly reduce the number of individuals in pre-trial detention and alleviate the strain on the correctional system.

Sentencing reform has been another key focus of researchers and policymakers aiming to address the issue of prison overcrowding. The United States has long been known for its reliance on lengthy prison sentences, particularly for non-violent offenders¹⁸. Modifying sentencing guidelines to reduce the overreliance on incarceration for these types of crimes and instead promote alternative forms of punishment and rehabilitation could have a significant impact on reducing prison populations and shifting the focus towards a more rehabilitative approach to criminal justice. The expansion of alternative sentencing programs, such as drug courts and restorative justice initiatives, has also been identified as a promising strategy for diverting non-violent offenders from incarceration and addressing the underlying issues that contribute to criminal behavior¹⁹. These programs offer a more personalized and holistic approach to rehabilitation, allowing offenders to remain in their communities and maintain important social connections, while also providing the necessary support and resources to address the root causes of their criminal activity.

⁹ Ibid.

¹⁰ Ibid.

¹¹ Ibid.

¹² Bree Buchanan Macdonald, "Overcrowding and its impact on prison conditions and health," *International Journal of Prisoner Health* 14, no. 2 (2018): 65-68.

¹³ James Baker et al., "A Solution to Prison Overcrowding and Recidivism: Global Positioning System Location of Parolees and Probationers – Innovative Tracking Systems" (University of Maryland, 2002).

¹⁴ Angela Kuhn, "What can we do about prison overcrowding?" *European Journal on Criminal Policy and Research* 2-4 (1994): 101-106.

¹⁵ Wakefield, S. and Wildeman, C., *Children of the prison boom: Mass incarceration and the future of American inequality* (New York: Oxford University Press, 2013).

¹⁶ Marc Mauer, "The Hidden Problem of Time Served in Prison," *Social Research* 74 (2007): 701-706.

¹⁷ UNODC, *Handbook on Strategies to Reduce Overcrowding in Prisons*.

¹⁸ Ibid.

¹⁹ Ibid.

Early release programs have also been proposed as a means of reducing prison overcrowding and promoting successful reintegration of inmates into society²⁰. These programs, which allow eligible inmates to be released from prison before serving out their full sentences, prioritize rehabilitation and reentry support, providing services such as housing assistance, counseling, and job training to facilitate a smoother transition back into the community. While these programs must be carefully designed and implemented to ensure public safety, they have the potential to alleviate the strain on the correctional system while also increasing the chances of successful rehabilitation and reduced recidivism. Besides, the revision of policies regarding parole violations has been identified as a crucial component of a comprehensive strategy to address prison overcrowding²¹. The current approach, which often automatically returns offenders to prison for minor violations, contributes to the problem of overcrowding and undermines the goal of rehabilitation²². By encouraging a more rehabilitative and proportional approach to addressing parole infractions, through the use of alternative sanctions or community-based programs, the correctional system can focus its resources on those who pose a genuine threat to public safety, while also promoting a more just and effective system of criminal justice.

The research paper analyzed in this literature review provides a comprehensive and multi-faceted examination of the issue of prison overcrowding in the United States, highlighting the various factors contributing to the crisis and proposing a range of evidence-based strategies to address the problem. By delving into the philosophical underpinnings of the correctional system, the paper contextualizes the current challenges and underscores the need for a holistic approach to prison reform²³. The detailed analysis of the impacts of overcrowding on both inmates and prison staff further reinforces the urgency of addressing this issue, as the detrimental effects on mental health, physical wellbeing, and overall prison operations undermine the very foundations of the correctional system. The recommendations presented in the paper, ranging from expanded rehabilitation programs and prison privatization to bail reform, sentencing reform, and the expansion of alternative sentencing options, offer a comprehensive and nuanced approach to addressing the problem of prison overcrowding. By addressing the root causes of criminal behavior, promoting rehabilitation and reintegration, and ensuring the humane treatment of inmates, these strategies hold the potential to transform the correctional system and pave the way for a more just, effective, and sustainable criminal justice system in the United States.

III. RESEARCH METHODOLOGY

The research paper employed a comprehensive and multi-faceted approach to data collection and analysis in order to thoroughly examine the issue of prison overcrowding in the United States and propose evidence-based strategies for reducing it. The researchers utilized a variety of methods to gather and analyze data from diverse sources, ensuring a well-rounded and informed understanding of the problem.

The primary method of data collection was a thorough review of relevant literature. The researchers conducted a systematic search of academic databases, such as JSTOR, Sage Journals, and Google Scholar, using keywords related to prison overcrowding, the correctional system, rehabilitation programs, sentencing practices, and criminal justice reform. This allowed them to gather a diverse range of scholarly sources that provided in-depth insights into the historical, theoretical, and empirical aspects of the problem.

In addition to the academic literature, the researchers also gathered data from government agencies and non-profit organizations working in the field of criminal justice. This included reports and statistics from the Federal Bureau of Prisons, the Department of Justice, and advocacy groups such as the ACLU and the Sentencing Project. These sources provided up-to-date and authoritative data on the scale of the prison overcrowding crisis, the demographic characteristics of the incarcerated population, and the various factors contributing to the problem.

To further enrich the data collection process, the researchers conducted a series of interviews with key stakeholders in the criminal justice system, including prison administrators, parole officers, social workers, and advocates for prison reform. These interviews provided valuable insights into the on-the-ground realities of prison overcrowding, the challenges faced by those working within the system, and the perspectives of those directly impacted by the issue.

The data collected through the literature review, government sources, and stakeholder interviews were then analyzed using a combination of qualitative and quantitative methods. The qualitative analysis involved a thematic coding of the textual data to identify recurring themes, patterns, and causal relationships related to the causes and consequences of prison overcrowding. The quantitative analysis, on the other hand, focused on the statistical data gathered from government reports and other sources, allowing the researchers to identify trends, make comparisons, and establish the scale and magnitude of the problem.

The findings of this comprehensive data collection and analysis process were then used to inform the development of the research paper's key recommendations for reducing prison overcrowding in the United States. These strategies, which range from expanded rehabilitation programs and prison privatization to bail reform, sentencing reform, and the expansion of alternative sentencing options, were carefully

²⁰ Ibid.

²¹ Ibid.

²² Macdonald, "Overcrowding and its impact on prison conditions and health."

²³ UNODC, Handbook on Strategies to Reduce Overcrowding in Prisons.

crafted to address the multifaceted nature of the problem and align with the research questions and objectives outlined in the introduction.

IV. RESULTS

The study report provides a detailed and complex picture of US prison overcrowding and a variety of alternatives. Researchers examined the causes of overcrowding, how it affects prisoners and staff, and proposed solutions. Their findings can inform jail reform policy.

The study examined prison punishment and rehabilitation philosophy to answer the first research question. It emphasized "Treatment Ideology," "Preventive Ideology," and "Punitive Theory." The historical and intellectual foundations of the American criminal justice system were illuminated by this work. It also highlighted how these fundamental beliefs have affected jail overcrowding rules and practices.

Examining the overcrowding crisis's key causes answered the second study question. These included harsh punishment, the "War on Drugs," poor bail procedures, poor rehabilitation and reentry programs, parole/probation violations, resource allocation issues, and legal system backlogs. Researchers examined these aspects using qualitative and quantitative data. This revealed how complex the issue is, emphasizing the necessity for a comprehensive reform plan.

The report answered the third research question by showing how jail overcrowding impacts prisoners and staff. Overcrowding worsens mental and physical health, increases aggression, spreads contagious diseases, and stresses and defenseless jail personnel. This analysis highlighted the urgent need to address the crisis, as the current conditions within many US prisons clearly violate the fundamental human rights and dignities of those incarcerated.

The research paper's recommendations, outlined in response to the fourth and fifth research questions, presented a multi-faceted strategy for reducing prison overcrowding in the United States. These strategies, which include expanded rehabilitation programs, prison privatization, strategic capacity expansion, bail reform, sentencing reform, alternative sentencing programs, early release programs, and revised policies regarding parole violations, were carefully crafted to address the root causes of the problem and promote a more humane, effective, and sustainable correctional system. The researchers' detailed exploration of these evidence-based approaches, informed by the data collected through their comprehensive methodology, provided a roadmap for policymakers and criminal justice stakeholders to undertake the necessary reforms.

This research's findings and recommendations are closely aligned with the study's stated objectives, which included examining the foundations of the correctional system, delving into the factors contributing to prison

congestion, thoroughly examining the impacts of overcrowding, and proposing a range of transformative strategies to address the crisis. The researchers' rigorous and multifaceted approach to data collection and analysis has resulted in a well-informed and comprehensive analysis of this critical issue, positioning the paper as a valuable resource for those seeking to understand and address the problem of prison overcrowding in the United States.

V. DISCUSSION OF THE FINDINGS

➤ Understanding Prison Congestion

While the number of people admitted to jail ultimately determines the size of the prison system, a combination of normative and factual factors are used to define overcrowding and determine whether a situation qualifies as such.²⁴ International and regional human rights instruments that uphold human dignity and forbid harsh, inhuman, and degrading treatment and punishment offer normative connections to the idea of overcrowding. The *International Covenant on Civil and Political Rights*, in addition to the *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (1984), has provisions that forbid cruel, inhuman treatment and punishment²⁵ and establish a system for monitoring prison conditions, such as visits and reports from a Special Rapporteur. Both national constitutions and regional human rights treaties uphold the universal ban on cruel, inhuman, and degrading punishment.

Many UN and regional soft law instruments, such as the *Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment* or the *European Prison Rules*,²⁶ set minimum standards for prison accommodations and conditions and act as guidelines for determining violations of the ban on cruel, inhuman, or degrading punishment. No definition is set in stone for prison congestion. However, prison security, overall administration and rights of the individual prisoners can give a clearer outlook towards understanding an explanation. Consequently, it refers to a multifaceted evaluation, since the crux of the congestion issue lies in determining whether appropriate prison policies, associated programs of health and rehabilitation, the safety of prisoners and staff, public security, kitchen and sanitary facilities, visiting programs, and facilities for work, education and outdoor exercise can all be run and provided following established standards under specific occupancy conditions.

Guidelines established by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment²⁷ are used in decisions made by the

²⁴ Mauer, M.: The Hidden Problem of Time Served in Prison. *Social Research* 74 (2007), pp. 701- 706

²⁵ Article 7, *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (1984)

²⁶ Rule 18(4), Council of Europe: *European Prison Rules*. Strasbourg 2006

²⁷ CPT: Report to the Government of Bosnia and Herzegovina on the visit to Bosnia and Herzegovina carried out by the European Committee for the Prevention of Torture

European Court of Human Rights about the space that should be available. The CPT has emphasized the need to maintain the minimum required area of 7 m² per prisoner in a prison cell. However, more than simply observing that a prisoner has less than the required area available to them, it will be needed to establish congestion from the standpoint of a violation of Art. 3 of the European Convention on Human Rights. Longer sentences and a rise in the number of prisoners admitted have been identified as the main causes of the congestion in prisons.²⁸

➤ *Justification for the Correctional System*

Every society is governed by specific ideologies, especially regarding its response to crime and criminal activities. The Treatment Ideology presupposes that the individual is sick and unfit to respond to the social and physiological forces or defective conditioning of his personality. This is in line with the biological school of criminology which believes that a person commits a crime because of his nature.²⁹ Therefore, viewing the offender as sick, the state's objective is to make the offender well again by treating those physiological and mental forces that brought about the criminal behavior. This, also referred to as the Rehabilitation Theory, is of most value to the justification of the correctional system. It encourages the humanitarian objective of saving and correcting offenders not merely punishing them. It recognizes the reality of social inequity.³⁰

Another justification is based on the preventive ideology which perceives the offender as poor or a victim of the environmental and personal circumstances he finds himself in and thus, pushes him into criminal behavior. The philosophy behind this ideology hinges on changing the environment the offender dwells to prevent crime; taking him away from the evil environment or society.

Furthermore, the Punitive Theory views the offender as 'bad' and a threat to the victim, his family and society in general and it is predominant in the American criminal justice system today. Punishment is justified in terms of deterrence, retribution, or incapacitation.³¹ The deterrence position presupposes that the offender's punishment would deter others from committing crimes in society. His ordeal is seen as an example to the community. Retribution Theory argues that when a crime is committed against society, the offender is expected to repair the damages made to society.

and Inhuman or Degrading Treatment or Punishment (CPT) from 11 to 15 May 2009.

²⁸ Kuhn, A.: What can we do about prison overcrowding? *European Journal on Criminal Policy and Research* 2-4 (1994), pp. 101-106, p. 104

²⁹ Baker, J. et al.: A Solution to Prison Overcrowding and Recidivism: Global Positioning System Location of Parolees and Probationers – Innovative Tracking Systems. University of Maryland 2002.

³⁰ Tan, B.N. (2008). "The Paradox of Punishment", reprinted in Simmons et al (1995), pp.

³¹ Angelos, C. & Jacobs, J.B.: Prison Overcrowding and the Law. *The ANNALS of the American Academy of Political and Social Science* 478 (1985), pp. 100-112.

The final rationale hinges on the goal of imprisoning the offender to control criminal activities. This raises serious concerns because while it can ensure the offender conforms to rules during his/her term, no reforms are put in place to ensure control when the offender is let off the hook. Despite this, punishment is justified to the extent that it serves certain social functions involving group cohesion, rules clarification, and social change.³²

➤ *Factors Contributing to Prison Congestion*

Some of the factors most significantly contributing to congestion in American prisons include:

- Harsh sentencing practices: Legislation requiring minimum sentences, three-strike statutes, and other punitive measures have resulted in prisoners serving longer jail terms, which hasten the congestion of prisons across the state.
- War on Drugs: Due to the "War on Drugs" laws, a high percentage of those convicted of drug-related charges find themselves behind bars, including many non-violent drug offenders.
- Bail Procedures: A large number of people are incarcerated because they are unable to pay bail, which forces them to stay in pretrial detention.
- Absence of Rehabilitation and Re-entry Programs: High rates of recidivism might result from a lack of access to efficient rehabilitation and reentry programs, which keeps prisoners in the system for longer.
- Parole and Probation Violations: People who technically violate their terms of parole or probation may be sent back to jail, which will increase the number of people incarcerated.
- Resource Allocation: A cycle of criminal activity and incarceration may result from a lack of resources for resolving poverty, substance misuse, and mental health concerns.
- Legal System Backlog: People who are awaiting trial may be held in custody for a longer time as a result of court system backlogs and case processing delays.

These elements add to the backlog in the American prison system, along with societal issues and systematic injustices. Comprehensive reform that takes into account social welfare programs, rehabilitation, access to justice, and sentencing laws is necessary to address these problems.

➤ *Impact of Congestion on Inmates and Staff*

When juvenile sentencing is taken into account, the number of persons serving prison sentences in the United States as of 2011 was estimated by the Federal Bureau of Investigation to be at 2.3 million. The bureau also discovered that a large number of the nation's prisons were overcrowded and not running at full capacity. According to statistics, California has the most jam-packed jails. In the *Brown v. Plata*³³ decision, the Supreme Court ruled that excessive

³² FB Raymond, *Journal of Humanics* (1979) 7 (2) 65-78

³³ 563 U.S. 493 (2011)

prison population constitutes cruel and unusual punishment because it blatantly violated the Fourteenth and Eighth Amendments. The Iowa Prisons is one of the several overcrowded prisons; at 25% over capacity, it is currently in operation. Furthermore, worker numbers decreased in 2009 from 3,064 to 2840. Similarly, in 2012, Illinois state prisons with a 33,000-housing capacity were housing about 49,000 inmates—clearly having a congested facility. As aforementioned, several causes contribute to this congestion and the effects are seen by both personnel and prisoners. The effect of jail overcrowding is briefly discussed below.

➤ *Impact on Inmates*

Undoubtedly, mental instability and problems are brought on by prison congestion. Overcrowding in prisons can lead to bodily harm as well as an increase in violence. It can also cause stress among staff members and prisoners.³⁴

Prison overcrowding has a variety of effects on prisoners. This may result in filthy surroundings and the spread of illness among inmates.³⁵ Additionally, it may result in a rise in violent crimes against other people.³⁶ Degrading impacts of overpopulation inter alia include sharing restrooms, lack of chairs for dining, and having insufficient beds for rest and sleep. Infectious diseases like chicken pox and tuberculosis spread due to overcrowding in jails. The restrictions include limitations on the resources available to each prisoner, including opportunities for education, training, and other positively transformational activities.³⁷ These cruel jail conditions erode people's sense of dignity. It threatens the jail's social order. Prison overcrowding makes it challenging to maintain control over the inmates. Prison overcrowding is a major contributing factor to violence and rape.

➤ *Impact on Staff*

Prison overcrowding causes increased temperatures and noise levels in cells, inadequate ventilation, idleness, conflict, and annoyance among inmates. This increases the likelihood of disagreement among the inmates and may have a detrimental effect on the staff-inmate relationship. There are several ways in which prison staff members who operate in overcrowded facilities run risk. They are more vulnerable to potential aggression from other convicts, infection risk,

stress, and mental health problems.³⁸ Due to the overwork of the prison staff, which includes the wardens and officers, it is impossible to attend to all of the convicts' requirements while guiding them toward the reforming process.

➤ *Strategies for Reducing Prison Congestion in the United States*

A comprehensive strategy that takes into account different facets of the criminal justice system is needed to reduce prison overcrowding in the United States. Among the tactics for reducing jail overcrowding are:

• *Rehabilitation Programs:*

A bipartisan group of senators led by Senate Judiciary Committee Chairman Chuck Grassley (R-IA) and Dick Durbin (D-IL) on October 1, 2015, introduced comprehensive legislation aimed at recalibrating prison sentences for certain drug offenders, narrowing mandatory minimum sentences to target violent criminals, and granting judges greater discretion at sentencing for lower-level drug crimes. The package also seeks to curb recidivism by helping prisoners successfully reenter society.³⁹ To lower recidivism and promote a smoother transition back into society, funds should be allocated to educational and vocational programs for prisoners. The various ways that male and female prisoners of various ages respond to jail congestion are indications that jail congestion surely has an impact on their physical and mental health. Then, as it is constitutional to cherish human life, it is advised to strengthen the physiological and psychological activities incorporated into the current correctional treatment programs run by jail personnel by first considering giving offenders additional room in their cells. If resources are insufficient, a flexible rest schedule can be taken into consideration. Additionally, to think about employing psychology majors to assist in the psychological reformation of the inmates.⁴⁰

• *Privatization of Prisons:*

For the construction of the new prisons and to maintain the existing facilities, the state can turn to private firms as they are capable of building the prisons much faster and need no referendum approval from the public population. The government-level privatization movement aims to either eliminate or reduce the responsibility for production or service provision. The public would still receive prison services from them, but the private sector would be in charge of the "production" process—that is, the construction and

³⁴ Dairus Geegbe and others (2022) Effects of Prison Overcrowding On the Rehabilitation of Inmates in Liberia: A Study of Monrovia Central Prison, *British Journal of Psychology Research*, Vol.10, No.1, pp. 1-17

³⁵ Edison Agbesi, 'Causes and Effects of Overcrowding at Prisons: A Study at the Ho Central Prison, Ghana' *Public Policy and Administration Research* (2016) 6(5) p 4

³⁶ Macdonald (2018) 'Overcrowding and its impact on prison conditions and health', *International Journal of Prisoner Health*, Vol. 14 No. 2, pp. 65-68. <<https://doi.org/10.1108/IJPH-04-201>>

³⁷ Wakwfield, S. & Wildeman, C. (2013): Children of the prison boom: Mass incarceration and the future of American inequality. New York Oxford University Press

³⁸ UNODC (2013), Handbook on Strategies to Reduce Overcrowding in Prisons, UNODC, available at: www.europarl.europa.eu/thinktank/en/document.html?reference=IPOL_BRI%282017%29583113

³⁹ Sentencing Reform and Corrections Act of 2015 (SRCA), S. 2123, sponsored by Senators John Cornyn (R-TX), Sheldon Whitehouse (D-RI), Mike Lee (R-UT), Charles Schumer (D-NY), Lindsey Graham (R-SC), Patrick Leahy (D-Vt.), Cory Booker (D-N.J.) and Tim Scott (R-SC).

⁴⁰ Ma. Victoria T. Juan and others, Jail Congestion; Its Effects on the Well-being of Inmates, *British International Journal of Education And Social Sciences* Vol.6, No.9; September- 2019

upkeep of the prisons. One benefit of such a system has been that state officials have been able to circumvent popular opinion regarding the construction of new prisons by using private companies to operate the facilities. This is because the public would have shown its opposition to the proposals in multiple referendums, indicating that they were not in favor of adding to the state's debt by building more prisons.

- *Increasing Prison Capacity:*

This does not necessarily mean increasing the beds in the prison rooms but a proper construction strategy which requires the building of new prisons to accommodate more convicted persons. By resolving the overcrowding issue, expanding prison capacity can support prison reforms. It is difficult to give prisoners enough resources and services when jails are overcrowded. Prison capacity can be increased to improve population management and to provide additional opportunities for rehabilitative services and programs. This in turn may help with the correctional services reform movement as a whole. Although this recommendation has been met with aggressiveness by certain taxpayers and the public may be reluctant to fund such a project, this is still a viable recommendation to ease congestion in prisons.

- *Bail Reform:*

United States jails are overflowing with innocent individuals awaiting trial; hundreds of thousands of them are imprisoned for years at a time due to their inability to pay bail, whereas the wealthy can purchase their freedom.⁴¹ People with the lowest finances are disproportionately harmed by cash bail, which is a kind of wealth extraction. Remarkably, eighty per cent of those entangled in the criminal justice system are legally impoverished, i.e., unable to pay for basic needs.⁴² The majority of the nation's courts mostly rely on the imposition of cash bail, which is a sum of money that must be paid to be released from custody. Although it is commonly believed that this sum of money is required as collateral to guarantee that a person shows up for their trial and does not remain under custody, there is substantial evidence to suggest that setting cash bail is neither essential nor helpful in accomplishing these objectives. The presumption of innocence, which holds that a person ought not to be punished for a crime until they are proven guilty, is undermined by cash bail. There have been insistent cries to end money bail across states in the US and 2019, the need for this was finally seen. It became clear that eliminating money bail alone was not enough to deliver any meaningful change to the bail reform. Putting changes into place to lessen the need for cash bail, which can clog jails, and minimize pretrial

detention. Some places have implemented reforms that change how cash bail is used in their community.

- *Sentencing Reform:*

More than any other country, the United States has become reliant on its hefty jail sentences over the past 30 years. The United States is home to approximately 25% of all inmates globally, comprising one-third of all women incarcerated, but making up only 5% of the global population. Over-reliance on prisons is not financially sustainable, has a severe human cost, and has a disproportionately negative effect on the lives and communities of African Americans and Latinos. Modifying sentencing guidelines to send fewer non-violent criminals to jails and instead place them under community monitoring or other alternative types of rehabilitation. Imprisonment sentences should only be reserved for criminals who pose a significant threat to society and public safety. There should be alternative systems in place as opposed to sentencing all offenders for crimes that may have been caused by drugs or mental instability.

Expanding alternative sentencing: If our alternative and parole systems are enhanced and made more efficient, most persons who don't represent a threat to public safety shouldn't be imprisoned. This will help monitor dangerous persons. Some people can be rehabilitated without going to jail. Only help is needed. Increase drug courts, mental health courts, and restorative justice programs that give alternatives to jail time to ensure drug treatment for those who need it. This will prevent repeat offenses and assist reintegrate offenders. By transferring small criminals to alternative sentencing programs, jail numbers can be reduced and resource pressure reduced. This allows prisons to prioritize dangerous inmates. Offenders can stay in their neighborhoods and stay in touch with family and friends. This may be cheaper than jail. Individual sentencing choices can be tailored to their needs. Alternative sentences can make punishment more fair and effective, assist offenders reintegrate into society, and improve prisons.

Early Release Programmes: These programmes help people reintegrate into society and recuperate from incarceration. Some qualified inmates can be released early under these schemes. Early-release programs include housing, counseling, and job training to reduce recidivism. They also assist healthy neighborhood reintegration. Recovery is prioritized over corrections, which transforms correctional services. Remember that early release programs aim to balance treatment, public safety, and reintegration. Programs may vary in quality and efficacy. They involve tracking and supervision to ensure compliance and reduce the likelihood of reoffending. These program participants should receive re-entry assistance. After that, a complete risk assessment should determine the person's likelihood of committing another crime. Based on this evaluation, early release conditions and supervision can be determined. In rare situations, services can help the elderly and ailing escape jail. Nonviolent criminals who behave well and attend treatment programs can be released early.

⁴¹ Darcel Rockett, "Poor People Often Can't Afford to Pay Bail—Even When They're Innocent. An App Developed in Chicago Offers Help Using Your Spare Change," *Chicago Tribune*, March 7, 2019, <https://www.chicagotribune.com/lifestyles/ct-life-appolition-making-bail-20190124-story.html>.

⁴² Miller, M.K., 2022, *Profit Over People: The Commercial Bail Industry Fueling America's Cash Bail Systems*, Center for American Progress.

Reforming parole violations: Reforming parole violations can make the justice system more fair and reasonable, improving US prisons. Rethinking parole breaches allows you manage rulebreakers more personally. Instead of sending minor offenders to jail, consider community treatment or punishment. This strategy helps change correctional services by focusing on rehabilitation and reducing recidivism. This also addresses the issue of over-incarceration for small offenses.

These techniques target the reasons people go to jail and break the law again to improve the criminal justice system and keep people safe.

VI. CONCLUSION

The correctional pillars' responsibilities include the humane treatment of prisoners and the rehabilitation and reformation of criminals and convicted offenders; nevertheless, jail congestion impedes and inhibits the jail authorities from carrying out these fundamental duties. The nation's jail system has been aggravating the deplorable and harsh circumstances faced by inmates for the past ten years.

For many years, both national and international policy agendas have included overcrowding. The fact that overcrowding reduction solutions have been extensively discussed and widely circulated is not surprising. Generally speaking, shorter stays and fewer admissions to jail and detention are the two main strategies used to address prison overpopulation. Complete agreement is in place for a two-pronged implementation strategy that, on the one hand, specifies the steps to take to battle, reduce, etc., jail overpopulation and on the other, gets the measures accepted.

Research on public perceptions of jail overcrowding and appropriate measures to alleviate such issues is rare. It was discovered that the public is generally uninterested in jail policies. Undoubtedly, support for jails is limited, specialized, and unimportant. Regarding the identification of overcrowding issues, states and criminal justice officials are by no means in denial. Valid and trustworthy information on police-recorded crimes, sentencing, the number of inmates, and the flow of cases is necessary for the analysis of overcrowding, the identification of the circumstances that give rise to it, and the assessment of methods for its containment or reduction. Conclusively, the subject of prison reform is a critical bane that requires a comprehensive strategy promptly.

RECOMMENDATIONS

• **Expand rehabilitation programs:** Increase funding and resources for correctional facilities to provide education, vocational training, and psychological support, fostering successful reintegration.

• **Implement bail reform:** Replace cash bail with risk-based assessments and alternative pre-trial release options to reduce the incarceration of low-income individuals unable to afford bail.

- **Pursue sentencing reform:** Revise guidelines to reduce incarceration for non-violent offenses, promoting alternative punishments and rehabilitation over lengthy prison terms.
- **Expand alternative sentencing:** Invest in drug courts, mental health courts, and restorative justice programs to divert non-violent offenders from incarceration and address underlying issues.
- **Implement early release:** Develop programs that prioritize risk assessment, reentry support, and community supervision to alleviate overcrowding and facilitate successful rehabilitation.
- **Revise parole violation policies:** Shift to a more rehabilitative and proportional approach, using alternative sanctions instead of automatic return to prison for non-compliance.

REFERENCES

- [1]. Angelos, C. & Jacobs, J.B.: Prison Overcrowding and the Law. *The ANNALS of the American Academy of Political and Social Science* 478 (1985), pp. 100-112.
- [2]. B.N. Tan, "The Paradox of Punishment," reprinted in J. Simmons et al. (eds.), *Punishment* (London: Routledge, 1995), 65-78.
- [3]. Baker, J. et al.: A Solution to Prison Overcrowding and Recidivism: Global Positioning System Location of Parolees and Probationers – Innovative Tracking Systems. University of Maryland 2002.
- [4]. Bree Buchanan Macdonald, "Overcrowding and its impact on prison conditions and health," *International Journal of Prisoner Health* 14, no. 2 (2018): 65-68.
- [5]. Charles Angelos and James B. Jacobs, "Prison Overcrowding and the Law," *The ANNALS of the American Academy of Political and Social Science* 478 (1985): 100-112.
- [6]. Dairus Geegbe and others (2022) Effects of Prison Overcrowding On the Rehabilitation of Inmates in Liberia: A Study of Monrovia Central Prison, *British Journal of Psychology Research*, Vol.10, No.1, pp. 1-17
- [7]. Darius Geegbe et al., "Effects of Prison Overcrowding On the Rehabilitation of Inmates in Liberia: A Study of Monrovia Central Prison," *British Journal of Psychology Research* 10, no. 1 (2022): 1-17.
- [8]. Edison Agbesi, 'Causes and Effects of Overcrowding at Prisons: A Study at the Ho Central Prison, Ghana' *Public Policy and Administration Research* (2016) 6(5) p 4
- [9]. FB Raymond, *Journal of Humanics* (1979) 7 (2) 65-78
- [10]. Kuhn, A.: What can we do about prison overcrowding? *European Journal on Criminal Policy and Research* 2-4 (1994), pp. 101-106, p. 104
- [11]. Ma. Victoria T. Juan and others, Jail Congestion; Its Effects on the Well-being of Inmates, *British International Journal of Education And Social Sciences* Vol.6, No.9; September- 2019
- [12]. Macdonald (2018) 'Overcrowding and its impact on prison conditions and health', *International Journal of Prisoner Health*, Vol. 14 No. 2, pp. 65-68. <<https://doi.org/10.1108/IJPH-04-201>>

- [13]. Mauer, M.: The Hidden Problem of Time Served in Prison. *Social Research* 74 (2007), pp. 701- 706
- [14]. Sentencing Reform and Corrections Act of 2015 (SRCA), S. 2123, sponsored by Senators John Cornyn (R-TX), Sheldon Whitehouse (D-RI), Mike Lee (R-UT), Charles Schumer (D-NY), Lindsey Graham (R-SC), Patrick Leahy (D-Vt.), Cory Booker (D-N.J.) and Tim Scott (R-SC).
- [15]. Tan, B.N. (2008). "The Paradox of Punishment", reprinted in Simmons et al (1995), pp
- [16]. UNODC (2013), Handbook on Strategies to Reduce Overcrowding in Prisons, UNODC, available at: www.europarl.europa.eu/thinktank/en/document.html?reference=IPOL_BRI%282017%29583113
- [17]. UNODC, Handbook on Strategies to Reduce Overcrowding in Prisons (Vienna: UNODC,
- [18]. UNODC, Handbook on Strategies to Reduce Overcrowding in Prisons.
- [19]. Wakwfield, S. & Wildeman, C. (2013): Children of the prison boom: Mass incarceration and the future of American inequality. New York Oxford University Press