

# Prison and jail overcrowding in the united states

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It is a fact that, although the United States holds less than 5% of the world's population, it also has almost 25% of its prison population. We ordered a study on the causes and consequences of prison overcrowding, as well as an analysis of possible solutions. The study concluded there were four main causes for:

1. almost 85% of people who were arrested could not afford bail, most of them were therefore sent to prison or jail while awaiting trial (60% of jail inmates) and 92% of these cases ended in convictions, mostly due to guilty pleas caused by detention pressure for fear of a greater sentence if the case goes to trial,
2. a high number of recidivism due partly to lack of education, which means most ex-convicts can't get a job outside of prison,
3. a high number of people serving very long or even life sentences because of repeat offenders laws (" Three Strikes"), in many cases for nonviolent or non-serious crimes,
4. the low quality of education in marginalized communities, added to the small prospects of their quality of life improving if a high school diploma is achieved, means that there is a 70% chance of an African American man with no high school diploma will end up in jail or prison before he is forty.

Concerning the consequences of overcrowding prisons, the study found some of the most daring effects were:

1. the elevated cost of maintaining the prison system (approximately 80 billion dollars annually),

2. the grave psychological and physical effects on the inmates, including a lack of treatment of mental illnesses due to the lack of their registration,
3. the lack of prison jobs or tasks for every single inmate leads to idleness, which in turn leads to violence; mixed with little to no education being received while imprisoned, it also increases the rate of recidivism,
4. for people from low-income communities, most of whom usually cannot afford bail and are therefore sent to prison until their trial date, this can mean the loss of a job, home, or custody of their children, and in a high number of cases, they are innocent.

As for the solutions, our findings led to the following:

1. lower “ truth in sentencing” requirements, which this study found mainly targeted minorities and poor communities, from 85% of its duration to 70% for nonviolent or non-serious cases; early release would have certain requirements, such as attend classes or work while in prison, as well as have no incidents, which would improve prisoner’s behavior and lead to less recidivism,
2. increase the application of split sentencing (an arrangement whereby low-level felony sentences are divided between jail time and community supervision),
3. repeal or reduce the application of “ Three Strikes Law” in certain cases, limiting it to serious or violent crimes,
4. increase and improve prison education, which has been proven to reduce recidivism by 5 to 20%,

5. apply partially secured or unsecured bonds, which allow the accused to pay little or no bail and be released (while being responsible for the amount if not appearing in court).

An increase in the use of partially and unsecured bail use, in connection with an increase of the application of split-sentencing, would lower significantly the cost of having non-convicted persons in jails and prisons awaiting trial. People awaiting trial make up 95% of the increase in jail population over the past 15 years. This is partly caused by the fact that, according to a study by the Vera Institute for Justice, judges tend to prefer to set bail (in most cases, an amount that the accused cannot afford) rather than release people accused of a crime on their own recognizance, and some judges were not even aware of the existence of different types of bail. In those cases, in which bail is set, only 15% of people can afford it; this means that 60% of people in jails have not actually been convicted but cannot afford bail. In addition, in 92% of cases defendants who were locked up until trial were convicted, in many occasions this is due to plea bargains, meaning those accused plead guilty to a minor offense to avoid a larger sentence if the case did end up going to trial. If other types of bail were applied more often, it would mean more people would be able to afford it, and it does not increase the rate of people who fail to appear in court. When a number of cases in New York in which unsecured or partially secured bail was set, one hundred percent of the accused went to court; in addition, the outcome in over 52% of those cases was a dismissal or a non-criminal conviction, as opposed to the result in nearly a 100% of the cases of those who were not released, that turned out in either misdemeanors or felonies convictions.

As for the application of split sentencing, most judge's main argument against it is that it would mean putting convicted criminals on the street. Nonetheless, it has been proven that with split sentencing, every day a convicted criminal is not in jail, only increase one day of crime risk, as opposed to pretrial release, in which every day the accused was free, it meant almost four days of increased crime risk. This does not mean to imply that pretrial release should not be used but show the possible benefits of split sentencing. The improvement of education both in marginalized communities and inside of prisons, coupled with motivations for prisoners to participate, would mean a reduction in the rates of recidivism along with the possibilities of someone from a low-income area being arrested. Considering the fact that over 90% of people who are imprisoned will go back to society, it makes sense to ensure that they do not go back to commit another crime; educating inmates would mean more job possibilities once they had served their sentences, and therefore less chance of them turning to crime as a way to earn money.

Prison education could save money in more than one way: first, by lowering recidivism by 5 to 20 percent, since the chance of ex-convicts with jobs to be reincarcerated is 50% less than of those without jobs (if the reincarceration rate would go down by this number, it could save the State almost 3 billion dollars annually); secondly, because those depending on them would no longer have to rely on welfare programs; and thirdly, it would mean more people paying taxes. As important as it is making sure that prisoners stay out once released, it is also important to invest in prevention programs to ensure that crimes are not committed in the first place. This means placing a

special focus in low-income African-American communities, where men have a higher chance of going to prison than obtaining a university or even a high school degree. That is why a bigger investment should be directed to improve the quality of the education being received in those areas, as well as placing a greater focus in making sure that teenagers finish high school and keep off the streets, giving them a better chance later to get into university, for which more scholarships should be granted.

Repeat Offender Laws, mainly the Three Strikes Law, fill prisons with people serving life sentences for crimes that do not deserve such sentencing, tend to impact specially minorities, and can prompt an increase on violence, reasons why the previously mentioned laws should be repealed or reformed. Three Strikes Laws mean that if a person commits a crime or a felony for the third time, they can receive a much larger sentence, even a life sentence instead of the one usually applied. They differ from habitual offender laws, which require a higher number of crimes to be committed, usually four. Many people consider these types of law to be unconstitutional for going against the Eighth Amendment which protects people from “cruel and unusual punishment”. It is also argued that a very large amount of money could be saved simply by modifying the cases in which these laws are applied, or for example taking in consideration the years between crimes committed, so that people serve shorter sentences. Some states are already taking steps to reform these laws: in 2012 California passed Proposition 36, which reformed the states repeat offender law, establishing that it would only apply for those cases where the third offence was violent or serious, and could be retroactively applied. Changes like these should be applied across all states.

In addition to repeat offender laws, wobbler laws should also be rethought; these laws allow for crimes to be judged as felonies in cases in which the person has two committed previous crimes, meaning they would serve a much longer sentence. The possibility of an early release motivates inmates to behave good, which is why Truth in Sentencing laws should be modified from establishing that prisoners serve 85% without possibility of parole to 70%, increasing the possibility to reduce prison population, and lowering recidivism by establishing strict parole conditions. A person can change from the time a sentence is given to later, when they have already served part of it, so it only makes sense that said person's case is revised by a parole board to determine whether they should be released.

Early release is the prime motivation for inmates to reform and improve themselves, so they can become better members of society, reducing the number of infractions committed while in prison, but TIS laws take away that motivation. When first established, the idea was that knowing that inmates would serve most of their sentence because of the Truth in Sentencing requirement, judges would serve shorter sentences, and this would lower the money spent on the prison system. However, that did not happen, and the cost only increased.