

Prison overcrowding

Abstract

The problem of prison overcrowding is very relevant for the modern society. Thus, the given work will examine scholarly ideas on the topic in order to come up with a comprehensive idea on the topic statement. After covering all the related aspects of this topic, prison overcrowding, a corresponding conclusion will be made. The solutions to this problem will be developed in a way of combining different scholarly ideas.

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Prison overcrowding is a phenomenon that occurs when the demand and need for prison

space goes above the available capacity. The current judiciary is focusing more on sending

people to prisons instead of considering other options such as rehabilitation centers. This is the

case even for minor perpetrators who do not actually deserve a prison sentence. As much as law

breakers are not given much consideration when it comes to their legal rights, it is important for

the government to remember that they are still citizens of the same country. There is therefore,

the need for the jurisdiction to start making new plans on how to punish law breakers without

necessarily throwing them into prisons. This especially applies for the individuals who have one

minor offence. The given work will study the reasons of prison overcrowding and prove that the

most efficient way of addressing overcrowding jails is the need to minimize the number of

prisoners who are held.

There are many ways of looking at my topic of prison overcrowding, but I have focused my

research on six articles that represent scholarly sources on this topic: Nolin, J. (2015) "Jail

overcrowding a perennial issue for many counties, Savitsky, D. (2012) "Is plea bargaining a

rational choice? Plea bargaining as an engine of racial stratification and overcrowding in the

United States prison system, Schuck, P. H. (2013) "Immigrant criminals in overcrowded prisons:

rethinking an anachronistic policy, Speeter, D. (2010) "Everything revolves around

overcrowding: the state of California's prisons, Speeter, D. (2010) "Everything revolves around

overcrowding: the state of California's prisons, Wolff, H., Castillo, A., Perneger, T., Heller, P.,

Golay, D., Mouton, E., Bodenmann, P., & Gelaz, L. (2016) "Self-harm and overcrowding among

Prisoners in Geneva, Switzerland. These articles represent a sampling of the articles that inform

a reader about prison overcrowding.

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Literature review

① Nolin, J. (2015) in his work *"Jail Overcrowding A Perennial Issue For Many Counties"*

argues that this has led to offences which were initially punishable by fines and time spent in

rehabilitation centers and community service being punishable by long term prison sentences.

The author explains that criminal offences which were never considered horrible enough

to put someone behind bars are now being given the same treatment as serious criminal offences.

Even before such changes were made, there was still not enough space for prisoners in the

country's prisons.

② The introduction of this new practice has made matters even worse an increased the

overcrowding in the prisons to a devastating extent. Thus, Savitsky (2012) in his writing *"Is plea*

bargaining a rational choice? Plea bargaining as an engine of racial stratification and

overcrowding in the United States prison system come over with the idea that such new

developments should be discouraged by the relevant authorities and the necessary changes made

to reverse this situation.

Savitsky (2012) states that there is need for the government to come up with strategies that will

ensure that such cases such as unemployment and poverty are reduce if not eradicated.

The author argues that plea bargaining is used as a way of racial stratification in our prisons. Plea

bargaining is one of the tools used in the process of justice where an accused benefit from the

minimum sentence after consenting to plead guilty of an offence. The statistics about race are

worrying to say the least. Ethnically, on average, only one in six white persons may be in

prison once in their lifetime. However, the statistics for the Hispanics indicate one in every

twenty four individuals may be imprisoned once in their lives. What is more baffling is that one-

third of the African-American males are jailed once in their lives (Savitsky, 2012).

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More worrying statistics indicate that the black men who never had a chance of attending post-primary education have 60% chances of being incarcerated (Savitsky, 2012). From Brown v. Plata case, the Supreme Court ruled that sentencing in the US was creating a racial disparity to the disadvantage of the black population (Savitsky, 2012). At the same time, subsequent findings indicated that there is need to the number of the incarcerated people as the too many prisoners find themselves in jail due to the harsh sentencing laws (Schuck, 2013). For instance, many of them are jailed without trial as they are convinced (in some cases misled to believe) that plea bargaining would offer them lesser sentences. However, many courts exclusively practice plea bargaining on misdemeanors at a rate of 80% or even 100% (Savitsky, 2012). At the same time Schuck (2013) argues that changes to laws that make new actions illegal is also another factor that has greatly contributed to overcrowding in prisons.

In his work Schuck (2013) states that such laws are usually made on the basis of continuous observation and analysis of the citizens' behavior towards certain aspects of their lives. Schuck noted, however, that most of these new legalizations are made on the grounds of racial discrimination, minority divisions and ethnic subrogation.

This has led to the scenario whereby, the unfortunate groups are subjected to these harsh criminal laws that are meant to target them specifically. Specter (2010) states that in the case where the new legalizations trap the unintended individuals and groups, they are quickly amended in the law courts. In his writing Specter (2010) argues that there is need for the government to ensure that the judiciary wing does establish such laws. This can be done through thoroughly scrutinizing each and every bill that is sent to parliament.

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After a summary of the bargaining with Schuck have a good, but them find themselves in jail due to the harsh sentencing laws (Schuck, 2013). For instance, many of them are jailed without trial as they are convinced (in some cases misled to believe) that plea bargaining would offer them lesser sentences. However, many courts exclusively practice plea bargaining on misdemeanors at a rate of 80% or even 100% (Savitsky, 2012). At the same time Schuck (2013) argues that changes to laws that make new actions illegal is also another factor that has greatly contributed to overcrowding in prisons.

It has been noted that the basic approach in addressing crime was to apply punitive measures. The courts were "adopting more stringent steps in curbing crime by adopting punitive and harsh sentences." Other factors that led to the overcrowding of the jails included the detention of petty offenders without trial under the plea-bargaining agreements (Specter, 2010). In parliament, there should be equal representation of leaders and lawmakers from every ethnicity, race and other groups to avoid the occurrence of unfair bills being enacted into laws. The non-perfect solution to the overcrowded jails would be the building of more jails. In the short-run, the overcrowding in the prisons would reduce. ^{criminally} However, the systematic factors would re-adjust in such a way that after few years (perhaps even months), the new jails would be overcrowded as well (Specter, 2010).

The rhetoric of increasing the jails as a way of making the nation safer was unsuccessful even after having proponent such as attorney general (as he then was) William Barr who advocated for the building of more jails if the country was to remain safe. Thus, Sundt et al (2016) in *Is Downsizing Prisons Dangerous? Unemployment as a national problem is a major cause why individuals involve themselves in criminal activities* argues that they realize that they do not have any other option but to just use illegal means to earn their income. ^{remain} In his work Sundt (2016) states that another factor that is the existence of high poverty rates especially among the minority groups. In addition to these, entertainment content among others are some of the other issues that increase criminal activities in the country.

Sundt came over with a perfect idea that a systematic increase of black prisoners in an era where crime rates have fallen has been attribute to the flaws in the process of plea bargaining. Social, economic, systematic, and psychological issues have worked against the black males leading to a higher imprisonment rate compared to the whites. Economically, the blacks are poorer and

cannot afford adequate legal representation. Therefore, the process is more economical for them than a trial. Systematic and psychological factors contribute to the fact that black males readily accept plea bargain in than any other section of the population. To start with, they have little trust in the jury, which is overwhelmingly constituted by the whites. Secondly, the prosecutors convince them to accept plea bargain readily on the thought that they will get lenient sentences, which is not the actual case.

The law provides that plea bargaining should be undertaken only with the full consent and

knowledge of the accused. However, the discussion between the defendant and the accused takes place in private and the impact of coercion cannot be denied. There is a connection between

violent behavior in prisons and overcrowding. Research indicates that the human psychology is inclined towards violence if they are living in crowded places (Wolff et al. 2016). Wolff ^{page #} *Wolff* 2016 presents the case about the prison overcrowding in Switzerland. *Ambrose* 

In his work Wolff explains the connection between overcrowding and violence is clear-cut. Psychologically, overcrowding leads to inadequate social support services which in turn

translates to distress. Prolonged suffering leads to acts of violence.

The case shows that the cyclic violence in overcrowded jails is accelerated by violent reactions from colleagues who are suffering under the same status (Wolff et al, 2016). Statistics indicate that the cycle of violence in the California state prison was so high that there were records of prisoners beaten to death by their mates weekly. A prison in Switzerland, (Champ-Dollon)

established that the increase in the number of inmates to levels beyond 200% of the occupancy ^(page) capacity of the jails increased the self-strangulation rates. Two cases among every ten inmates in jail having 123% occupancy increased to almost four cases with an increase in occupancy level to 200% (Wolff et al, 2016). According to the above analysis, there are some obvious challenges

that result from the increase in the population of the prisons. It is necessary to consider solutions aimed at mitigating the situation noted above. Other challenges resulting from overcrowded

prisons include the problem of offering adequate social amenities such as health services to the inmates. For instance, in the state of California where jail record inmates at a rate of 200% or 300% more than the ordinary levels, records of poor sanitation and health care necessitated two lawsuits accusing the state of breach of human rights guaranteed by the Eight Amendment to the

United States Constitution. As established in the case of Coleman v. Wilson (1995), a federal court of California case, thousands who suffered from mental illnesses went unnoticed and untreated (Wolff et al. 2016). Upon considering the challenges in the prisons, it is a necessity to think about the need to reduce the over-crowding among the incarcerated. The financial cost of maintaining overcrowded jails is overwhelming. Statistically, a 15% to 20% reduction in the number of incarcerated persons in the state of California led to the saving of at least \$451 million

(Sundt, Salisbury & Harmon, 2016).

Apparently, the money was being spent on the prison services and the fact that it was a recurrent expenditure burdened the taxpayers. When considering the solution for the overcrowded prisons, it would be prudent to have in mind what is the aim of incarceration. The medical state of the California prisons was pathetic. Research indicates that the state would not control the deplorable state of health facilities in the prisons. It is baffling that a prisoner would die and remain undetected for hours due to the overcrowding in the cells (Specter, 2010; 195).

The nature of crime is exacerbated by the filthy and the crowded environment in prisons. Adequate correctional and rehabilitation measures can cure the need to put people to jail. In cases where rehabilitation is enhanced even when the convict is out of prison (on parole or probation), greater chances of reformation have been recorded. Moreover, racial aspects of

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administration of justice should be considered. Specific equality standards such as the proportionate representation of all races on the bench should be taken into account. The nation needs to dispense with racial stereotypes by enhancing equality in job opportunities to all. Loop holes that specifically disadvantage certain racial groups in the criminal justice system such as the plea-bargaining should be reviewed. The nation shall end up spending less on jails and being safer.

The resultant situation involved the incarceration of a large number of persons in prisons, a state which reduced the probability of enhancing substantive rehabilitative measures. At the same time, the fact that violence rules supreme in overcrowded prisons contributes to the growth of criminal mentality among the incarcerated. Other subsequent impacts include violence, strangulations, and measures that inflict self-harm (Wolff et al. 2016).

The conclusion can be made that the most efficient way of addressing overcrowding jails is the need to minimize the number of prisoners who are held. As seen in the case of the state of California, which managed to significantly decrease the number of people in prisons without an increase in the crime rate, it is possible to release many prisoners from prisons and maintain law and order (Sundt, Salisbury & Harmon, 2016). The justice system needs to adopt the effective use of parole and probation terms to minimize incarceration. A review of the plea-bargaining agreement should be carried out with a view of informing the defendants on the advantages of going to full trial rather than blindly accepting plea bargaining advances from the prosecutor. The result is a decrease in the number of petty offenders being incarcerated, adequate facilities for the incarcerated, ample space, and less crowded jails. At the same time, the state saves millions of dollars of the amount spent on maintaining and providing services to prisoners.

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