

Addressing Recidivism and Inequality in the U.S. Prison System

Abstract

This brief will analyze the debate around reforming the United States prison system, a developing conflict causing great discourse around the country. It will consider the history and tried policy of this phenomenon.

Keywords

U.S. prison system; recidivism; sentencing reform; incarceration rates; prison reform

I. Executive Summary

In the United States, the prison system faces a plethora of pressing issues, some of the most critical being recidivism, overcrowding, and discrimination. Because of these issues, debates regarding how the prison system should be reformed have surfaced among policy makers, researchers, and other individuals and organizations who advocate for change within the U.S. prison system. This brief explores the historical development of the U.S. prison system, the current key issues and social injustice faced within it, and the different approaches to reform.

II. Overview

This section provides a brief look at the origins of debates surrounding reform of the United States prison system and the status of reform efforts today.

A. Pointed Summary

- With the United States having one of the most prominent incarceration populations in the world, concerns in regard to overcrowding, injustice, and high recidivism rates seen in the U.S. prison system have risen.
- Different approaches to reform that have recently been introduced to the U.S. prison system include an increase in education for inmates, mental health treatment, and addiction rehabilitation.

- In 2018, the First Step Act focused on the implementation of rehabilitation programs, decreased sentences for nonviolent offenses, and improved conditions within the prisons in order to decrease the climbing rates of recidivism.

B. Relevance

As the amount of individuals in the U.S. prison system has exponentially risen, the financial and social drawbacks of mass incarceration have come to light. Due to this, policymakers and other advocates have been debating over how to best reform the U.S. prison system and researchers have gained a new interest in the consequences of the growing prison population. Because of new legislation, such as the First Step Act, prison reform has gained more attention from the public, sparking further controversy regarding reform.

III. History

A. Current Stances

The debate surrounding the U.S. prison system is largely divided between those who believe in a rehabilitation approach and those who value public safety. Prison reform advocates have largely expressed that current U.S. prison conditions are inhumane towards inmates. These conditions include physical and sexual violence, overuse of solitary confinement, sanitation issues, and inadequate medical care [5]. Without proper rehabilitation, many argue that ex-prisoners will continue to commit further crimes after their release [7]. Additionally, advocates promote recognition that mass incarceration contributes to making other problems such as homelessness, mental health, and drug overdose worse [6]. Conversely, those who are for current prison conditions believe that these systems are an effective deterrent – that the thought of being placed in a prison cell is enough incentive for people to not commit crimes. Especially for those who had families impacted by criminal offenses, these conditions offer justice to the victims of the crimes [8].

B. Tried Policy

Prior to the lead up of the First Step Act in 2018, the federal government implemented a series of reforms geared towards increasing rehabilitation rates in prisoners, as well as improving prison conditions. After research showed a positive correlation between education and the decreased likelihood of reoffending, the Federal Bureau of Prisons expanded education opportunities for inmates. With the expansion of the Residential Drug Abuse Program, the government established additional mental health units and treatments for inmates battling psychological conditions. The Obama Administration further moved to strict the use of excessive solitary confinement for juvenile inmates [9]. These cumulative efforts set the stage for the eventual enactment of the First Step Act of 2018, where it reduced sentences for non-violent offenders, expanded rehabilitation programs, and gave one-time credits to inmates, allowing them to gain early release by completing rehabilitative programs [10].

IV. Policy Problem

A. Stakeholders

Reforming the United States prison system is a complex process that affects a wide range of stakeholders. First and foremost the prisoners, as they are directly affected by prison conditions, educational opportunities, and rehabilitation. The families of prisoners are another, as they suffer financially and emotionally from the experience. Research shows that there is a long-term effect on children as well [1]. The victim of the crime is another, as they want justice and safety for themselves and society, and recidivism does not necessarily help the main issue. The correctional officers and prison staff have one of the most stressful and dangerous jobs, and reforming prisons is relevant to labor as well [2]. The taxpayers pay for the prison system, and it is a multibillion-dollar expenditure, so there is a fiscal interest as well [3].

B. Risks of Indifference

However, ignoring the need for prison reform has various social, economic, and public safety risks. The United States has and continues to maintain one of the highest incarceration rates in the world, and this has been linked to overcrowding and resources [3]. Without prison reform, recidivism is also on the rise, and various studies show that a large percentage of people who were released from prison were rearrested after a few years, suggesting that prisons are not rehabilitating offenders [4]. In addition, ignoring prison reform has economic risks since maintaining a large prison population is a huge cost on taxpayers [3]. Indifference also contributes to various inequities, especially racial and socioeconomic inequities in prison populations and sentencing [1]. In addition, prison conditions and lack of access to mental health treatment may worsen existing conditions.

C. Nonpartisan Reasoning

From a fiscal perspective, decreasing rates of incarceration and rehabilitation can lead to substantial savings for governments, as such policies align well with budget-conscious policymakers [3]. The risk of recidivism and higher crime rates is addressed by prison reform, as studies have shown that education and job training programs have a higher recidivism rate reduction compared to punitive methods [4]. Reforming prisons addresses issues of disparity, thereby strengthening the legitimacy of the justice system [1]. Lastly, by successfully rehabilitating prisoners, they can become part of the workforce, thereby contributing to economic growth and decreasing dependence on welfare. The law enforcement agency can also benefit from such reform, as it will allow for more efficient allocation of resources, as focus can be allocated to active threats. Prison reform is not limited by political affiliation. By presenting reform as a pragmatic and factual improvement, as opposed to an ideological one, there is a greater chance for widespread support.

V. Policy Options

Prison reforms have been in discussion from Congress for decades. In 2007, the Second Chance Act was proposed by Rep. Danny Davis (D-Illinois) and Rep. Chris Cannon (R-Utah), demonstrating bipartisan support for the issue. Congress addressed high recidivism rates by prioritizing the issue of prisoner reentry rather than sentencing reform in this policy. The act provided federal grants to state, local, and nonprofit programs to support formerly incarcerated individuals with job training, education, mentoring programs, and substance abuse treatment. This meant that funding would be allocated through shared costs with states and capped grants. The act focused specifically on post-release support and had a budget of 3-4% of the funding being used on support programs. The Second Chance Act was passed but was not adopted as a comprehensive reform solution because it did not reduce incarceration rates or sentence lengths. Policymakers viewed the Second Chance Act as supplementary rather than a form of long term reform due to its limited and short-term federal funding structures[11]. More recently, the Smarter Sentencing Act of 2023 was introduced. Initially in discussion since 2014, Sen. Richard J. Durbin (D-Illionois) reopened the discussion in 2023. Congress aimed to reduce federal mandatory minimum sentences for nonviolent drug offenses and require the DOJ to track costs, prison overcrowding, and recidivism rates. Specifically, the Smarter Sentencing Act entailed creating a public database of federal criminal offenses to improve transparency within the justice system. Sen. Mike Lee (R-Utah) amongst others later endorsed the bill, demonstrating the presence of bipartisan support [12]. Supporters of the bill believed that mandatory minimums contributed to mass incarceration and prison overcrowding. However, despite bipartisan support, the bill was not passed into law. Since 2014, tough-on-crime Republicans and law enforcement

groups have argued that reducing mandatory minimum sentences would increase crime rates and reduce leverage in plea bargaining [13].

VI. Conclusions

The U.S. prison system struggles with high incarceration and re-offending rates, as well as systemic inequalities. Recent reform efforts in the federal government, including the First Step Act, demonstrate that there is a shift in philosophy from attempting to punish every incarcerated person to now focusing on how to rehabilitate them back into society after they serve their time. However, there continues to be controversy over whether the primary goal of reforming prisons should focus on public safety, the overall belief of groups working to reform prisons, or improving the conditions prisoners live in.

Examples of expanding services offered within current policies, such as education, healthcare, and re-entry programs, to prevent recidivism, demonstrate how important developing these types of services to reduce recidivism is. Ultimately, the goal of reforming the U.S. prison system will be to find a balance between providing public safety, treating people fairly, and doing so at a cost that is affordable to taxpayers.

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