Each day in the United States an average of more than 6,000 people are sentenced to some level of prison. They are sentenced to prisons that simply do not have space for them. The Federal Prison system currently operates about 35 percent above capacity. State prisons also tend to operate over capacity; take Pennsylvania for example. Pennsylvania has 49,000 inmates housed in its prison system, while having the capacity for about 45,000. This is about 9 percent above capacity (2). Prisons did not always operate over capacity; in 1980 about 25,000 inmates served time in federal prison. The population of the federal prison population is now approximately 200,000. This is a near 800 percent increase in prisoners. At the same time, capacity rose from approximately 25,000 to only 164,000 as of 2013; a percent increase of about 656 (1). Population has clearly outpaced capacity. More than half of newly sentenced inmates in the federal prison system are there on drug charges, thus the war on drugs majorly contributed to the gap in prison populations and capacities.

Overcrowding is inhumane. It is not safe, secure, or fair to the inmates forced to live in tighter quarters. It is not efficient to hold so many prisoners, nor is it cost-effective. How can these issues be addressed? What would solve, or at least mitigate, overcrowding and the negative by-products of the prison system?
Conceptually, we can reduce the prison population by reducing prison sentences for minor offenses: such as drug possession, use, or other nonviolent crimes. We could also provide alternative forms of punishment or retribution for the crimes committed; for example, therapies, interventions, or rehabilitations. Or, considering the high turnover rate of ex-prisoners returning to prison, instituting programs for ex-convicts could drastically reduce the prison population.

In essence, reduction of penalties for crimes, finding alternatives for prison, and preventing prisoners from returning to prison could combine to effectively reduce the issue of prison overcrowding.

**The First Option: Mandatory Minimums**

A large proportion of the prison population is serving time for their crimes based upon mandatory minimums, initially, these minimums primarily applied to crimes such as murder, but have since been applied to nonviolent crimes such as illegal drug possession or sale. Since the installation of mandatory minimums, our prison population has exploded, making mandatory minimums one of the main causes for the overcrowding in our prison systems today. The possibility of adjusting mandatory minimums will be explored.

**The Second Option: A Detour Avoiding Prison: Rehabilitation**

Prison is not necessarily the best solution for every person. There are those who would benefit from receiving help as opposed to simply spending years in a cell. Take, for instance, the mentally ill and drug addicts. The issues these people face are not resolved by serving a punishment. There could be more efficient and more beneficial alternatives to prison for these people. The pros and cons of rehabilitation in decreasing the prison population and aiding those in need will be discussed.

**The Third Option: Preventative Programs**

There is a revolving door for prisoners; when they get out they almost always find their way back. These prisoners who repeatedly get sentenced to prison are a major player in why the prison population is so high. When the prisoners leave prison, they can’t get jobs, struggle to educate themselves or feed their family, and are almost forced back to crime. Being sentenced to prison is almost a life sentence, because it is nearly impossible to escape. Finding a way to reduce recidivism and get ex-cons employment could play a major role in reducing the prison population, as will be examined.
What Are Mandatory Minimums?

Mandatory minimums have been used by governments everywhere as a standard for judging criminal acts and assessing appropriate penalties. The first mandatory minimums in the United States were death sentences for crimes such as murder, treason, and piracy (7). They are a sensible solution to the otherwise arbitrary sentencing of individual cases. In more recent years, the most controversial mandatory minimums have been those surrounding drug-related crimes.

What have they done?

Since the introduction of harsh mandatory minimums during the war on drugs in the late 80s, the prison population has more than quadrupled. 1 in every 100 American adults is incarcerated, or about 2 million Americans (3). In Pennsylvania, many drug related mandatory minimums have about an average of five years for small crimes, however, most drug related charges become separate accounts and the actual time spent in prison doubles or triples. The system we currently have is conducive to convicting for multiple crimes and having longer prison sentences.

In turn, these low level drug offenders have the potential to become big time drug dealers, and the system is put in place for preventative measures. Are these mandatory minimums being proactive in the drug community or simply just being too cautious?
Minimums and Politics: Are we tough enough on crime?

It is difficult to criticize a politician in today’s political climate for being “tough on crime”. Politicians do not have to address crime because the public is not interested in hearing about the fate of criminals. Most would prefer to believe that the justice system takes care of those who are guilty and those who are in prison deserve to be there. A politician’s career might actually be harmed by bringing up the idea of reducing mandatory minimum sentences. Some lobbyist groups, including Families Against Mandatory Minimums (FAMM) have taken it upon themselves to disseminate information about the state of today’s prisons (2). These groups have managed to put some legislation in front of Congress that could reduce mandatory minimum sentencing.

So the fundamental blockage to reducing mandatory minimums remains: Are we really tough enough on criminals. Surely, those who break laws deserve to be punished. We need to have penalties established for those who choose to violate the statutes erected by our govern. Otherwise, chaos is imminent. It is hard to create laws that release lawbreakers into the general public, but are these statues truly effective in term of preventing crime?

Most people who end up in prison do not serve only one sentence. According to an analysis run by the Bureau of Labor statistics on prisoners released in 2005, 77% had been rearrested for a new crime within 5 years of their release (1). Just one sentence can mean the difference between a life behind bars and eventual healing for many convicts. Judges and politicians see criminals as a single entity instead of a group of individuals whose lives have been drastically disrupted and altered by imprisonment. It might seem simpler in the short run, but over time imprisonment creates a generation of institutionalized people who never had the opportunity to develop real-life skills, and once released, they are often forced back into the same patterns and behaviors they engaged in before their stint in prison.

Real Costs: Time and Money

It feels wrong to spend $30,000 a year to punish someone. The average cost to keep someone incarcerated in the United States today, according to an independent study by the Vera Institute of Justice, is $31,286. This comes from a comprehensive survey of 1.4 million American prisoners. The amount spent per state can vary widely, from a paltry $14,000 in Oklahoma to over $60,000 in New York. In Pennsylvania, it costs an average of $42,000 a year to keep someone incarcerated. One new tactic that many states are implementing in order to save money is the idea of “prison privatization”. Private companies are taking over the functions of prisons. Many companies specialize in prison health care and providing food to inmates. Companies like Aramark pitch themselves to government agents by highlighting efficiency and cost-saving in their pitches. What they refrain from saying is that they achieve this cost-cutting by using inferior-quality ingredients or cutting corners in medical procedures that reduce cost. Often the food they serve has been deemed inedible or not up-to-standard for normal consumption, so Aramark repurposes it for their prison contracts. The situation regarding health care is just as bad. One woman in Arizona needed a C-section while incarcerated. The doctors at the facility, in lieu of using antibiotics to treat her wounds, poured kitchen sugar into her C-section for several weeks. Sugar was a home remedy used during the 19th century, before the invention of antibiotics, to treat wounds. Prison is supposed to be a punishment, but basic standards of humanity need to apply for all prisoners. The easiest way to ensure our prison system functions correctly is to reduce the rate of incarceration and restrict it to those who have truly committed heinous crimes.
Safety Valves: Changes in Mandatory Minimums

In many courts throughout the country, people are trying new tactics in approaching low-level drug offenses. As of now, the only safety valve in active use by the federal courts is for nonviolent, first-time drug offenders. If a judge chooses to apply the safety valve, he or she can reduce the defendant's sentence below the mandatory minimum. Even low-level misdemeanor can count against a defendant in this case, and disqualify them from using this provision. If the defendant’s crime involved guns, or they were previously caught with drugs, this provision cannot apply. Many states are pushing for more safety-valve provisions that give the courts more leeway in providing sentences, as it saves the taxpayers time and money by shortening sentences. Several bills are currently pending in congress that would increase safety valve provision usage and reduce several minimum sentences related to drug crimes. Those acts include the Smarter Sentencing Act and the Justice Safety Valve Act.

What we can do:

Persuade Congress to pass more safety valve provisions.

Pros: These provisions give judges more discretion in dealing with first-time offenders, allows them to consider special circumstance
Sentences will be shortened, meaning prison populations would be reduced because people would spend less time incarcerated

Cons: The consequences for crimes have been itemized and established. Removing them now make courts look weak on crime.
The consequences for crimes have been itemized and established. Removing them now make courts look weak on crime.

Reducing the mandatory minimum sentence length of nonviolent, first-time offenders.

Pros: Shorter sentences will lower prison population and allow facilities to be run more humanely
It will cost taxpayers less money to house less convicts

Cons: First-time offenders do not deserve special consideration.
We should be willing to spend money in order to keep Americans safe from prisons
Ever since Richard Nixon initially declared “A War on Drugs” in the year 1971, the American prison population has grown at a startling rate. Currently, roughly half of the American prison population has been incarcerated for drug related crimes, whether it is dealing or merely possession (2). Many people have shown that prison sentences do not adequately rehabilitate drug users, often times leading to relapses and more prison sentences. So while American prisons are 37% overcrowded (1), many wonder if our drug offenders would be better suited with an alternative to prison: rehab.

Take for example the story of Stephenie, a homeowner just outside of Boston, with a well paying job at Verizon. In an unfortunate accident in 2012, Stephenie broke her ankle. Doctors worked to cure her ankle, but they created a bigger problem by prescribing her OxyContin. Stephenie’s ankle healed perfectly, but her drug addiction didn’t follow in suit. Soon enough Stephenie found herself in a downward spiral and eventually she was branded with the label that none wish to have: heroin addict.

Stephenie didn’t ignore her addiction and let it control her life. Instead, she sought after the right rehabilitation facility. After attending three facilities, she was in line for a forth, but she was told that no beds were available at the time.

On December 12, Stephenie died alone in a hotel room.

http://www.mentalhealthy.co.uk/home/other-mental-illness/rehab.html
Stephenie’s death could have been prevented. The current solution that the American system offers for people like Stephanie is to put them in jail to punish them for their crimes. It’s no wonder that she avoided this “solution”. If Stephanie had access to the proper rehabilitation facilities, she might still be here today, living happily in Boston (9).

Instating rehabilitation methods instead of sending people like Stephenie to jail would be an effective way to not only help lives like herself, but also reduce the current prison overcrowding problem in America. Creating a system under which drug abusers and the mentally ill may have a so-called detour away from prison will effectively reduce prison overcrowding. Rehabilitation will give these law-breakers the equal opportunity to recover from their ill-minded ways compared to those without their illnesses. Even instating further rehabilitation methods within prison will reduce the population behind bars by increasing the possibility of early release. America has gone too long without proper treatment for those in need of such facilities.

**Treatment for Addicts**

Roughly half the prison population is incarcerated for drug related crimes, greatly overburdening the American prison system. Currently, American prisons have well surpassed their capacity. Federal prisons alone are 37% overcrowded. With roughly half the population incarcerated for drug related offenses, shifting away from prison towards rehabilitation for possession related offenses would help alleviate the overburdened system. For example, 46% of all drug arrests are marijuana related (4), and 88% of those are simply for possession (8), meaning 21% of all those arrested are for marijuana possession. Rehabilitation instead of imprisonment would facilitate the easing of the stress on the American prison system.

Rehabilitation has been proven to reduce the number of people arrested for drug related offenses as well as being effective in reducing the amount of re-arrests of drug abusers.

Instead of punishing these largely non-violent offenders with hefty and expensive prison sentences we could put them in rehab facilities with shorter terms, which will not only save government money but reduce prison overcrowding. A report by the Center for Substance Abuse Treatment (CSAT) published in 1997 reported that “treatment appears to be cost effective, particularly when compared to incarceration, which is often the alternative. Treatment costs ranged from a low of $1,800 per client to a high of approximately $6,800 per client.” Such programs have been implemented throughout the country already; for example, in New York there exists something called The Drug Treatment Alternative to Prison program, which allows drug users who plead guilty to a drug or alcohol related crime to spend two years in a “residential, therapeutic community. This program has had major success at reducing recidivism and drug use, in addition to being nearly half the price of a normal prison sentence ($32,974 versus $64,338 if the participant had been sent to serve the average term of imprisonment for participants, 25 months).

"57 percent of people receiving drug rehab were re-arrested within a 12-month period compared to a 75-percent rate for those who didn’t receive drug rehab
42 percent of people receiving drug rehab were convicted of a crime compared to 65 percent of those who didn’t receive drug rehab
30 percent of people who underwent drug rehabilitation received a new jail sentence within a 12-month period compared to 51 percent of those who didn’t undergo drug rehab”

- Justice Research and Statistics Association (3)
Another program, this time offered in Maryland, gives a treatment program after some time served, and according to the sentencing commission this change has reduced the cost to house an offender from $20,000 to just $4,000 (5).

However, one of the main issues with this approach is that reducing the penalty associated with drug use might result in an increase in drug abuse because of a lower fear of the penalties involved. Furthermore, many believe that these drug and alcohol related criminals deserve to be punished with prison for their crimes rather than reformed and reintegrated.

**Addressing the Mentally Ill**

Rehabilitation is effective for more than just drug addicts. The mentally ill may also be able to avoid prison sentencing by serving time in rehabilitation facilities. One of the main purposes of prison is to make prisoners into law-abiding citizens, however, the mentally ill might struggle undergoing this transformation without the proper facilities (7).

The passage of Medicaid in 1965 incentivized people to avoid getting treatment at mental institutions because it was not covered by the program. Many patients who relied on these facilities were now forced to nursing homes or general hospitals. By 1977 there were only “650 community health facilities serving 1.9 million mentally ill patients a year” (6). The shortage of facilities was evident, which led to the signing of the Mental Health Systems Act by President Jimmy Carter in 1980. The aim of the act was to provide further access to mental-health-centers However, President Reagan repealed the act, decreasing federal funding for mental-health by 30% and had to government abstain from providing any help to the mentally ill.

In 2009, due to the Great Recession, mental-health funding decreased by $4.35 billion. The result of these cuts in funding for mental health over the years has led to the shocking fact that there are 43,000 beds nationwide for mentally ill patients, or in other words, 14 beds per 100,000 people. This represents the same ratio as in 1850 (6).

So if the mentally ill patients aren’t getting proper treatment at hospitals, where are they? Many people with mental illnesses end up in prison.

The solution to prison overcrowding would involve getting these inmates as well as other mentally ill citizens in the community the proper rehabilitation facilities. Funding in the mental-health sector needs to be improved. If all goes well, funding may even be relaxed in the homeland security with the resultant reduction in crime.

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*In 2004 “Studies suggest approximately 16 percent of prison and jail inmates are seriously mentally ill, roughly 320,000 people. This year, there are about 100,000 psychiatric beds in public and private hospitals. That means there are more three times as many seriously mentally ill people in jails and prisons than in hospitals.” –MotherJones (6)*

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Offer rehabilitation services without prosecuting drug addicts. A police station in Gloucester, Massachusetts, after an unsuccessful crackdown on drugs in the community, decided to give drug addicts another chance. 391 addicts have turned themselves in, all receiving treatment. Now 166 departments across 17 states are on route to implement the same measure. Similar tactics may be used for those who deem themselves mentally ill. (9)

"Any addict who walks into the police station with the remainder of their drug equipment (needles, etc.) or drugs and asks for help will NOT be charged. Instead we will walk them through the system toward detox and recovery ‘and send them for treatment ‘on the spot.’" -Chief Campanello (9)

Call upon lawmakers to increase public mental-health spending or cover the costs of mental health institutions under Medicaid. With help from increased funding or further coverage, more mental health institutions would be built around the country.

Pros: Will provide the punishment which is believed by many to deter crime, and will provide the rehabilitation proven to reduce future drug use. When properly implemented it has the potential to be cheaper than prison sentencing alone.

Cons: Because it is a middle of the road solution, it does not have the same punishment or the same level of rehab as the homogenous solutions.

Pros: The drug problem would be reduced by curing the addiction itself. These measures would save lives and money. “The department spends an average of $55 for each addict, Chief Campanello said, compared with $220 spent to arrest, process and hold an addict in custody for a single day.”-Chief Campanello (9)

Cons: Any person that has used drugs has put other people’s’ lives in danger and therefore deserve to be prosecuted to the full extent of the law. Rehabilitation facilities will become overpopulated creating the same overcrowding problem, but in a different industry.

Pros: Facilities would become available to more people across the country, allowing for treatment to become an option, instead of a prison sentence.

Cons: The country is finally moving on from the recession. Although the economy is not struggling, it's still not strong enough to fund such spending.
One of the main problems for ex-convicts is their inability to find employment after being released from prison. Many, due to their lack of employment, return to federal and state prisons after just 3-5 years of release. The Bureau of Justice Data show that by the end of the five-year follow-up period, approximately three-quarters (76.6%) of prisoners released in 2005 were rearrested. Furthermore, the BJS found that most released prisoners were rearrested within one year of being released. By the end of the first year following release, 43.4% of inmates were rearrested. (1) This statistic is astounding partly because the result is due to the harsh guidelines that companies and other businesses have against ex-convicts. They are treated and viewed as second-class citizens due to their past incarceration. They are defined by their crime, whether the offense was minor or serious. This becomes a recurring theme as the whole point in the sentence is the expectation that the sentence is exactly what they owe back to society, no more, no less. Our proposition is to provide more open possibilities for ex-convicts who seek employment outside of prison but also provide programs within the prison system that allow convicts to be taught how to function outside of prison once released and proven fit by the government for societal integration.

More Education?
Many jobs, along with the difficulty to obtain them due to the ex-convict’s history, require educational qualifications and/or previous work experience that most inmates lack. There should be
more educational opportunities other than obtaining a GED. The availability of college-level courses and graduate-level courses will help those who seek to have jobs that require those terms of higher learning.

The first problem with allowing prisoners to get an education is the question of whether that truly fits the idea of a punishment. Is that the point of prison? Prison is after all a way to serve time for a crime, if people are able to educate themselves while in prison, what does the impress on criminals who could soon enough pursue a Master’s degree all while in prison, all the while looking at the upping of taxes on the public for their education. The average in-state college education costs $9,410 dollars a year per person (5). That’s a lot of money to spend on education for one college student, much less a whole group of individuals who are serving time.

Prevention Counseling

Possibly provide post-prison counseling to avoid recidivism. Too many ex-convicts have been recommitted due to similar accounts or offenses that are worse than their previous sentences. Counseling and continual meetings with released ex-convicts can be helpful to not only track progress but it can furthermore give statistics to psychologists and sociologists about whether programs that teach work skills and societal integration are helpful. These programs of counseling could help the educational community get a much more thorough understanding of the mind and open up the boundaries to a whole new field of psychology.

The main problem with point two derives from a similar problem with all these points and that is the cost. It will not be cheap to fund things such as counseling, seeing the price of counseling for the average person. With the potential of costing between $50-$240 dollars an hour, it would not be cheap funding these practices of therapy (4). The possibility of having group therapy might help lower the cost for the group as a whole but might not have the same type of effects as one on one counseling.

Disclosure or Not?

Many ex-convicts have a particularly tough time getting jobs at the most basic level. This makes it difficult to provide for themselves and can often times lead to crimes such as petty theft that are then magnified by an already existing criminal record. How are people supposed to get a job if they can’t even get a foot in the door? This always raises the question of when/if disclosing prior incarceration is necessary. Some companies have been labeled as “Felon Friendly” and treat ex-convicts with as much respect as any other company. Providing employment programs can help reduce the increasing number of incarcerated people and other individuals like those on probation, and those within jails. Obama recently passed the Fair Chance Act, forcing the government to hire ex-convicts and help them get on their feet (2). It would be possible for this to be done at a state level as well. This also throws up the idea that perhaps forcing certain businesses to hire ex-convicts, even at low level jobs, might be overly-beneficial for those trying to get back on their feet.

While allowing ex-convicts to be productive citizens to the society they live in is something everyone can get on-board for, forcing companies to hire people is very dangerous as it treads on the rights of business owners and puts business owners at risk. What type of a threat does an ex-convict pose to a small business if he would decide to steal at work or do something that could potentially put the business out of work? Where A sixth (16 percent) of released prisoners were responsible for nearly half (48 percent) (3) of the arrests that has the potential to do some real damage.
<table>
<thead>
<tr>
<th>What we can do:</th>
<th>Many ex-convicts are reincarcerated for similar offenses after they are released from prison. Providing post release counseling could help stifle this trend.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Pros:</strong></td>
<td>The research and different accounts with multiple ex-convicts can provide overall answers on the productiveness of post-prison programs and counseling opportunities. Overall, for ex-convicts that show personal application of what has been learned and taught from these sessions, this could allow lower statistics on re-admission for ex-convicts.</td>
</tr>
<tr>
<td><strong>Cons:</strong></td>
<td>The potential costs of having these programs, especially cost-free for ex-convicts, could be bring somewhat of a financial hardship, especially for taxpayers.</td>
</tr>
<tr>
<td>Many ex-convicts find themselves struggling to find a job after they are released because they only have a GED. More options should be allowed for convicts such as a college education.</td>
<td></td>
</tr>
<tr>
<td><strong>Pros:</strong></td>
<td>If convicts are given shorter sentences, they should be able to have the ability to at least obtain a GED, which grows their chances of receiving employment once released. Learning teamwork skills while in prison could also reduce violence and gang retaliation within prison cells, this is also beneficial once the ex-convicts are released.</td>
</tr>
<tr>
<td><strong>Cons:</strong></td>
<td>Since prison sentencing is supposed to be meant for punishment and isolation, many would believe that having these programs would not enforce a isolated atmosphere thus making prison pointless. Obtaining GEDs and College degrees are seen as a privilege, not a right.</td>
</tr>
<tr>
<td>Many ex-convicts also encounter the problem of getting turned away from jobs when their employers find out about their history. Creating a more felon friendly system in which felons are not required to disclose their history could help solve this problem.</td>
<td></td>
</tr>
<tr>
<td><strong>Pros:</strong></td>
<td>The Fair Chance Act provides great opportunities for ex-convicts, it allows them to be able to be accepted within society, making them feel “normal”.</td>
</tr>
<tr>
<td><strong>Cons:</strong></td>
<td>There is always the risk of having an ex-convict as an employee because they could place a bad reputation of the company and bring bad business. They could also steal from the company which will lower the profits and effect the company greatly.</td>
</tr>
</tbody>
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Option 1:

Option 2:

Option 3:
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