

## Overcrowding, State Budgets, and the Rise of Private Prisons

Despite a decades-long prison-building boom, America's prison systems are still vastly overpopulated, and have been for decades. Combined with efforts to rein in spending on prisons, this has led to increasing ratios of incarcerated people to staff. The same budget pressures have reduced much spending on programming in prisons. These factors have both led to more dangerous, less rehabilitative prison conditions.

The decision to cut programming and overcrowd prisons stems from largely political considerations. Many state lawmakers prefer to cut spending per incarcerated person rather than reducing the population in prisons.<sup>228</sup> These cuts do little to reduce the incarcerated population—or save much money—but they do render life in prison and life after prison tougher for those who serve time.<sup>229</sup>

Another driver of overcrowding has been increased sentence length, in the wake of the drug war. As researcher Mark A.R. Kleiman puts this, “The insanely long sentences really started in the drug era. Once you were giving somebody 15 years for a coke deal, seven years for armed robbery wasn’t enough. The drug sentences dragged everything else behind them.”<sup>230</sup>

**“This prodigious rate of incarceration is not only inhumane, it is economic folly.”<sup>232</sup>**

**- Nobel laureate economist Joseph Stiglitz**

**...The Torah did not give permission to place someone in a prison that is cramped, for prisons are only for keeping a person to ensure he doesn't escape. . . Even more so, we should not place him in a prison that's soiled, where he will not be able to study Torah or to keep the mitzvot. For even if the Torah gave us permission, since even though he has sinned and must be imprisoned in a prison, he has not ceased to be a Jew.”**

**- Rabbi Chaim Palagi, 19th century Turkey,  
*Shu't Hik'kei Lev II: Hoshen Mishpat 5***

Governments have responded to overcrowding in large part by transferring incarcerated people to privately-run prisons. The rise of for-profit prison corporations in the 1980's coincided with many states and municipalities being under new court orders to improve conditions in their severely overcrowded prisons.<sup>231</sup>

<sup>228</sup> See Gottschalk, p. 40 for examples.

<sup>229</sup> Gottschalk, p. 26.

<sup>230</sup> Mark Kleiman, in [http://www.washingtonpost.com/blogs/wonkblog/wp/2015/03/19/how-prisons-without-bars-could-cut-the-cost-of-prison-and-keep-people-from-coming-back/?tid=sm\\_tw](http://www.washingtonpost.com/blogs/wonkblog/wp/2015/03/19/how-prisons-without-bars-could-cut-the-cost-of-prison-and-keep-people-from-coming-back/?tid=sm_tw)

<sup>231</sup> Gottschalk, p. 66.

<sup>232</sup> <http://www.theatlantic.com/features/archive/2015/02/the-many-causes-of-americas-decline-in-crime/385364/>

## Facts and Figures

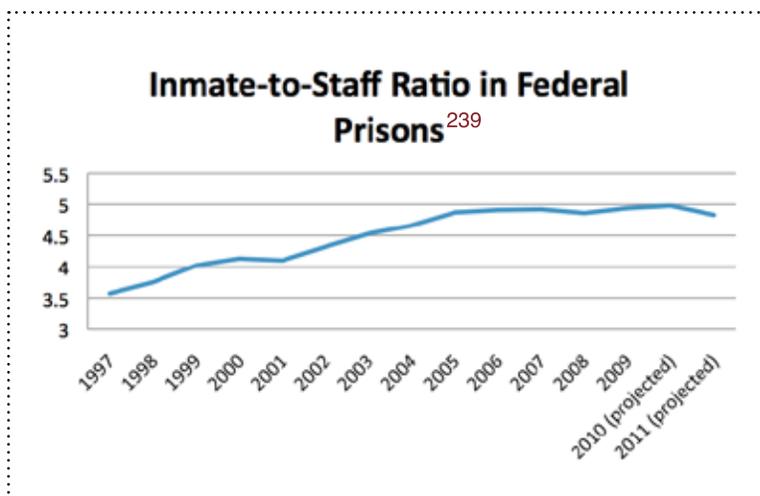
### Overcrowding:

• As of late 2011, at least half of states were operating prison systems above design capacity, some grossly over.<sup>233</sup> Based on 2012 data, federal prisons are operating between 38-53% above design capacity, depending on the security level.<sup>234</sup>

• Many states are adjusting how they measure capacity to present an impression of reduced overcrowding. Illinois is one example; in 2011, it changed the benchmark from the number of cells to the number of beds that could be crammed in. This raised its “rated capacity” from 33,373 to 51,000. According to one reform advocate, this is like “claiming a three-bedroom home can actually sleep 25 people if beds are placed in living rooms, laundry rooms and storage spaces.”<sup>235</sup>

### Staffing ratios:

• In federal prisons, inmate-to-staff ratios (ISR) grew from 3.6:1 in 1997 to 5:1 in 2011. For comparison, it is about 3:1 in the largest state prison systems.<sup>237</sup>



• Rigorous research by the BOP shows that higher ISR leads to greater levels of “serious violence among inmates.”<sup>238</sup>

### Expenditures per incarcerated person:

• The mean state corrections expenditure per incarcerated person was \$28,323 in 2010, although a quarter of states spent \$40,175 or more.<sup>240</sup>

• Indiana spends just over \$14,000 per year.<sup>241</sup>

• New York State spends about \$60,000, while New York City annually spends about \$168,000 per person incarcerated in city jails.<sup>242</sup>

• Greater expenditures don’t necessarily translate to better prison conditions.

<sup>233</sup> Gottschalk, p. 41.

<sup>234</sup> Gottschalk, p. 42.

<sup>235</sup> [http://qctimes.com/news/local/illinois-could-face-california-style-prison-meltdown-experts-say/article\\_c3390cb4-cebe-11e0-b9c3-001cc4c03286.html](http://qctimes.com/news/local/illinois-could-face-california-style-prison-meltdown-experts-say/article_c3390cb4-cebe-11e0-b9c3-001cc4c03286.html)

<sup>236</sup> <http://www.bjs.gov/content/pub/pdf/p11.pdf>, p. 31

<sup>237</sup> U.S. Department of Justice Federal Prison System FY 2011 PERFORMANCE BUDGET, <http://www.justice.gov/sites/default/files/jmd/legacy/2013/09/19/fy11-bop-se-justification.pdf>

<sup>238</sup> U.S. Department of Justice Federal Prison System FY 2011 PERFORMANCE BUDGET, <http://www.justice.gov/sites/default/files/jmd/legacy/2013/09/19/fy11-bop-se-justification.pdf>

<sup>239</sup> <http://www.justice.gov/sites/default/files/jmd/legacy/2013/09/19/fy11-bop-se-justification.pdf>

<sup>240</sup> <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=4556> State Corrections Expenditures, Dec. 2012

<sup>241</sup> Gottschalk p. 39-40.

<sup>242</sup> Gottschalk p. 39-40.

**“Although it is by no means the only cause of the deprived and dangerous conditions that prevail in many of the nation’s prisons or sole reason that many prisoners continue to be exposed to the degrading and harmful treatment, overcrowding is a central and critical issue that must be effectively addressed if these other problems are to be solved. . . . Many prisoners now lack any form of effective programming or meaningful work during incarceration. Under conditions of unprecedented overcrowding, unheard-of levels of idleness and, in an era where prisons became devoted to punishment rather than rehabilitation, prison administrators still lack positive incentives to manage the inevitable tensions and conflicts that fester behind the walls.”<sup>243</sup>**

**– Dr. Craig Haney**



**“Few conditions compromise [prison] safety more than idleness.”<sup>244</sup>**

**– Vera Institute of Justice**

Photo by California Department of Corrections, Public Domain

<sup>243</sup> Abstract, “The Wages of Prison Overcrowding: Harmful Psychological Consequences and Dysfunctional Correctional Reactions.”

Washington University Journal of Law & Policy: [http://openscholarship.wustl.edu/law\\_journal\\_law\\_policy/vol22/iss1/22/](http://openscholarship.wustl.edu/law_journal_law_policy/vol22/iss1/22/)

<sup>244</sup> [http://www.vera.org/sites/default/files/resources/downloads/Confronting\\_Confinement.pdf](http://www.vera.org/sites/default/files/resources/downloads/Confronting_Confinement.pdf), p. 12