CJ790 4-3 Final Project Milestone Two: Component 1: Literature Review

Southern New Hampshire University
Samantha Panizo Baiocchi
July 18, 2020

**Possible solutions**

Addressing the issue of high imprisonment rates and the subsequent overcrowding in prisons require an accurate and comprehensive analysis and understanding of the root causes. It is important to address all aspects of the problem instead of focusing on the factors relating to “criminal justice” only. To achieve long-term success in strategies reducing overcrowding and imprisonment rates, it is fundamental to comprehensively analyze the underlying causes as a baseline for the formulation of strategies. The three possible long-term solutions to significantly reducing congestion in prisons include fair social policies and crime prevention, political will and comprehensive criminal justice reform strategies, and gaining public support.

*Fair social policies and crime prevention*

This concept came out clearly in Salvador Brazil during the 12th UN Convention on Crime Prevention and Criminal Justice titled “Strategies to Reduce Overcrowding in Correctional Facilities.” The convention univocally recognized the high rates of imprisonment and overcrowding in correctional facilities as a social problem that require social solutions. It concluded that a criminal justice system is not by itself a standalone solution to a crime but part of the bigger pie. The convention suggested that taking social action such as reducing poverty levels and social marginalization could go a long way in curbing high rates of imprisonment and the resulting overcrowding in prisons.

According to Philips 2012, overcrowding in prisons is a reflection of unfair social policies in a nation. The unfair policies subject some sections of the population to unbearable conditions based on racial identities or social class such that they are always on the wrong end of the criminal justice system (Philips, 2012). The UN through its agencies has always appealed to governments to develop national strategies based on local circumstances and citizen needs. It does not advocate for imprisonment as a crime control policy but as the last resort. Some of the most recommended strategies are basically social solutions such as equitable opportunities, universal access to education, increased employment opportunities, support to vulnerable members of the community, and fair and supportive social policies.*Political will and comprehensive criminal justice reform strategies*

Many scholars have underlined the importance of political will as the first prerogative in reducing overcrowding in correction facilities. Lack of goodwill negates the desire to introduce programs and policies that can counter punitive approaches (Albrecht, 2012). Albrecht, 2012 posits that political will creates an enabling environment in the form of financial new policies at initial stages and sustaining the establishment of such policies to establish a strong basis. This implies that without goodwill from the political class, long-term reduction in prison overcrowding is very difficult to achieve if not impossible.

Andrews, & Bonta (2010) emphasize the role of government in easing the crowds in prison facilities. Governments are in a strategic position to combine the contributory efforts exhibited by various groups such as human rights societies and NGOs. In doing so it embraces the aspect of adopting comprehensive criminal justice reform policies. As illustrated by Philips (2012), reducing overcrowding in prisons requires a holistic approach in which the government plays a pivotal role. The causes of overcrowding in prisons are complex and any attempt to reform part of the policies does not achieve long-term results as it disregards other factors at play (Fitzgerald & Vance, 2015).

However, the arguments by Andrews, & Bonta (2010), Philips (2012), Fitzgerald & Vance, (2015) do not rule out the importance of small scale initiatives undertaken to address overcrowding in prisons. In contrast, such measures are a good illustration of how simple initiatives such as capacity building and enhanced coordination between criminal justice agencies can transform the face of prison facilities. In addition, small scale initiatives provide a testing ground for new and creative policies to be experimented and can later be expanded to other areas.

*Gaining public support*

Public opinion plays a critical role in shaping the way the policymakers respond to crime. Politicians are often fond of demanding for quick response to public demands for stricter penalties to validate punitive criminal justice policies. This notwithstanding, the public opinions cannot be taken as the main avenue of taking punitive actions. It consists of different and changing opinions. Various research scholars have pointed out that even though a greater portion of people may allude that courts are generally less strict, they as well inclined towards recognizing the level of damages and expenses resulting from incarceration. According to Lappi-Seppälä (2007), people prefer more supportive non-punitive responses especially when the questions offer more details about individual cases, instead of being of a general nature. In addition, research indicates that the level of ignorance about crime and crime control dictates the degree of fears as well as the level of punitive actions.

The public will be more understanding and supportive of strategies that foster a reduction in imprisonment cases if they are provided with all the information regarding the individuals facing incarceration. Information such as the alternatives and consequences of imprisonment, education and social welfare, statistical data and findings of the research that show that non-punitive responses to crime are generally the best means to accomplish the social reintegration of the public safety, and offender and the costs associated with the incarceration relative to costs of alternatives gives the public broader view of imprisonment (Zhamuldinov, 2013). Likewise, the public ought to have accurate information regarding the trends in sentencing to realize that their perception concerning the court’s inability to pass harsher punitive actions is unjustified. Existing reliable data and research is a fundamental baseline to address arguments relating to overcrowding in prisons including demonstrating crucial links between imprisonment and social injustice, high rates of reoffending and imprisonment, non-custodial measures, and higher chances of social reintegration.

The media plays a fundamental role in informing the public and creating the public’s point of view. Therefore, the media should be included when developing strategies that aid in creating a better-informed public. Such teamwork may be developed by chosen media representatives who can be issued with data and research findings covering criminal justice reform topics (Albrecht, 2012).

Governmental research agencies have a huge role in providing the media with accurate information. Some government agencies tend annually to publish detailed statistics on crime and sentencing that are accessible over the internet. Other approaches to acquiring detailed data include sourcing press officers, allowing more media access to academics and statisticians, and adopting current technology to disseminate statistical information to the press (Philips, 2012).

Public awareness should be a continuous activity as it molds the perception of the people. It needs a lot of vigor and persistence. Instant results are immeasurable; however, it will be salient through a reduction in the public’s opposition when alternative measures and strategies are introduced to reduce congestion in prisons (McDowall, 2010).

**Methodology**

The methodology of this research review was conducted by analyzing research articles pertaining to the issue of congestion in prisons and the underlying efforts to reduce the massive incarceration. The objective of the literature review is to synthesize existing literature on the topic without direct collection or analysis of primary data. The review adopted six generic steps which include

1. Formulation of research question(s) and objective(s).
2. A comprehensive search of existing literature.
3. Screening for inclusion,
4. Quality analysis of primary studies,
5. Data extraction, and
6. Data analysis.

The formulation of the research question(s) and objective(s) formed the basis for all subsequent steps of analysis. In the second step, various research studies were collected from different online sources. The search concentrated on the issue of overcrowding in prisons and the associated implications as well as the possible mitigation measures. The collected research studies were screened for relevance and assessment of quality done. Finally, relevant information was extracted, analyzed, and synthesized for a consistent flow of ideas on the topic at hand.

**Summary and Conclusion**

From the analysis, it is evident scholars have dived dipper into exploring the question of congestion in prison facilities. Through these researches, scholars have come up with viable strategies that can combat the problem of congestion in prisons. Some of the major possible solutions to this menace include fair social policies and crime prevention, political will and comprehensive criminal justice reform strategies, and gaining public support. While all the approaches are viable, fair social policies and crime prevention is the most appropriate approach for this scenario. When applied appropriately, fair policies provide leverage in the society such that all members of the society feel accommodated and their rights respected.

# References

Albrecht, H. J. (2012). *Prison Overcrowding–Finding Effective Solutions: Strategies and Best Practices Against Overcrowding in Correctional Facilities*. edition iuscrim.

Andrews, D. A., & Bonta, J. (2010). Rehabilitating criminal justice policy and practice. *Psychology, Public Policy, and Law*, *16*(1), 39.

Bondeson, U. V. (2017). *Alternatives to imprisonment: Intentions and reality*. Routledge.

Cook County (2020, April 6). *Jail Population April 6, 2020*. https://www.cookcountysheriff.org/data/jail-popula... [July 3, 2020].

Copson, L. (2016). Realistic Utopianism and Alternatives to Imprisonment: The ideology of crime and the utopia of harm. *Justice, Power and resistance*, *1*, 73-96.

Fitzgerald, J., & Vance, S. E. (2015). How today's prison crisis is shaping tomorrow's Federal Criminal Justice System. *Fed. Probation*, *79*, 24.

Frost, N. A., & Clear, T. R. (2018). Theories of mass incarceration. *The Oxford Handbook of Prisons and Imprisonment*, 104.

Lappi-Seppälä, T. (2007). TECHNIQUES IN ENHANCING COMMUNITY-BASED ALTERNATIVES TO INCARCERATION—A EUROPEAN PERSPECTIVE. . *ANNUAL REPORT FOR 2002 and RESOURCE MATERIAL SERIES No. 61, 61.*

McDowall, R. A. (2010). *Prison overcrowding: finding successful policies to manage capacity utilization* (Master's thesis, The University of Bergen).

Obama, B. (2016). The president's role in advancing criminal justice reform. *Harv. L. Rev.*, *130*, 811.

Phillips, C. (2012). Racial identities, social relations, and prison policies. *The Multicultural Prison*, 24-49. https://doi.org/10.1093/acprof:oso/9780199697229.003.0002

Simon, J. (2012). Mass incarceration: From social policy to social problem. *The Oxford handbook of sentencing and corrections*, 23-52.

Zhamuldinov, V. N. (2013). Alternatives to imprisonment in Kazakhstan: problems and prospects. *Life science journal*, *10*(Suppl. 8), 448-454.