**United States Justice Reform: Needless or Necessary?**

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Mumia Abu-Jamal, a prisoner who once awaited his execution on death row, exclaimed, “Prison is a second-by-second assault on the soul, a day-to-day degradation of the self, an oppressive steel and brick umbrella that transforms seconds into hours and hours into days” (Gilbert, 1995). The 2 million people currently confined within America’s prison systems might echo these same haunting sentiments (The Sentencing Project, 2016). In the last 40 years, there has been a 500% increase in prisoner population, and over 600 citizens out of every 100,000 are living behind prison walls (The Sentencing Project, 2016). These numbers are alarming. As a result, lawmakers in Florida are currently considering major prison reforms. An enormous amount of tax funding, unethical living conditions within prisons, and an excessive number of elderly inmates are all reasons it is being thought upon (McGivern and Walser, 2022). While the ideas on reform are receiving massive support, others believe that reducing the number of inmates in the prisons is not the answer. Some parties believe that building new prisons for the growing population and special hospitals for elderly inmates will alleviate the current crisis (McGivern and Walser, 2022). The same issue has arisen recently in Nebraska as well. Those in support of a reform bill want to reduce mandatory minimums and increase eligibility for parole, especially for non-violent felons, while others believe that the solution is simply building a new prison because more space is needed (Kiser, 2022).

Are new prisons and hospitals truly the answer? Since American government decided to be tougher on crime in an attempt to keep citizens safe, instituting mandatory minimums and harsher sentences, new problems have only arisen. United States prisons have become grossly overpopulated, unreasonably overfunded, and shockingly inhumane as a result. To truly reduce crime rates and promote public safety, the United States must reconstruct sentencing guidelines, create new programs as an alternative to imprisonment, and establish better rehabilitative services for the currently incarcerated, all which will alleviate the crises at hand.

Firstly, taking a deeper look at current sentencing guidelines is crucial to fixing the overpopulation crisis that plagues American prisons. One of the greatest contributors to the astounding number of people incarcerated is the institution of harsher sentences over time. Two examples of these are mandatory minimums and the three-strike law. A mandatory minimum is a required minimum sentence that must be given to a perpetrator who is charged with a specific crime, and they are typically rigid and inflexible. Lawyer Norman Reimer (2021) states, “these draconian sentences are often imposed without regard to the age of the offender, their capacity for growth, or a full appreciation of the factors that led to the offending behavior and what steps might be available to address those factors.” Instead of the unique circumstances of an individual being considered, mandatory minimum sentences are passed out thoughtlessly and indiscriminately. This leads to many individuals with a great capacity to change, or who are not even a danger to society, being imprisoned for many years. The three-strike law is another sentencing guideline that may be considered extreme. The three-strike law “requires courts to consider someone a "persistent offender" and sentence him or her to life in prison without parole if convicted on three separate occasions of serious felonies” (“Revising sentences,” 2021). This law potentially condemns someone to a life in prison without any other measures being taken that could possibly redirect the criminal. This person could also be non-violent, as some felonies can be committed that are not violent in nature. This begs the question if offenders who are not violent, or who commit “victimless” crimes, should even be sent to prison in the first place. As American prisons are overflowing with inmates and lawmakers are contemplating using precious tax funds to build more prisons, does it seem reasonable to continue sending non-violent, salvageable individuals to be locked away when other sensible options might be available? Is it effective to continue utilizing sentences that have a one-size-fits-all approach, rather than taking into account the specific background and potential of the offender? Sentencing guidelines such as the aforementioned need to seriously be reconsidered if the overpopulation crisis is to be tackled effectively.

In speaking of sensible alternatives to prison, what exists? It is first beneficial to consider the crimes that the majority of individuals are incarcerated for. The National Institute of Drug Abuse states that “85% of the prison population has an active substance use disorder or were incarcerated for a crime involving drugs or drug use” (Criminal Justice DrugFacts, 2020). That is an overwhelming number of prisoners dependent on drugs or other substances. The abuse of these substances could be the precise reason they are serving time. The abuse also could have been a large contributing factor to them committing other offenses, as they are notorious for altering the brain and numbing decision-making faculties. Rather than hastily sentencing the drug-dependent criminal to prison, shouldn’t medical treatment and rehabilitation be the first measure taken to help the individual recover? Absolutely. The National Institute on Drug Abuse further states, “Scientific research since the mid-1970s shows that treatment of those with SUDs in the criminal justice system can change their attitudes, beliefs, and behaviors toward drug use; avoid relapse; and successfully remove themselves from a life of substance use and crime” (Criminal Justice DrugFacts, 2020). If the genuine goal of the criminal justice system is to reduce crime and keep citizens safe, then rehabilitative services for the substance dependent should undoubtably be a priority. A huge benefit to taking this route is that the cost is actually incredibly lower than simply imprisoning perpetrators. The National Drug Intelligence Center estimated that the cost of drug use to American society and the justice system in 2007 was a whopping $193 billion, while the cost of actually treating drug use through healthcare and hospitalization would only be $14.7 billion (Criminal Justice DrugFacts, 2020). That is a drastic reduction in cost while achieving a much more desirable outcome for all involved. The data makes it astoundingly clear that rehabilitation services for drug users is a much better alternative to imprisonment, considering they make up 85% of prison population. It is also obvious that our society needs more preventative mental health care widely available, to reduce the numbers of individuals who use drugs in the first place. Successful treatment of these offenders and proper preventative services would significantly alleviate the overcrowding crisis, as well as the exorbitant overfunding that occurs to keep prisons operating.

What about rehabilitation for the currently detained? This is an area that warrants serious reflection. If the main goal of the American justice system is to reduce crime, then proper treatment of prisoners must be a top concern, considering that most criminals will eventually return to society. Time spent in prison unquestionably determines if an individual will go on to live a responsible life once socially reintegrated, or if they will fall back into a destructive life of law-breaking. Unfortunately, the current treatment of those in American prisons greatly falls short. For starters, it is a fact that a substantial portion of the incarcerated suffer from mental health conditions. Human Rights Watch states, “One in six U.S. prisoners is mentally ill. Many of them suffer from serious illnesses such as schizophrenia, bipolar disorder, and major depression. There are three times as many men and women with mental illness in U.S. prisons as in mental health hospitals” (Ragusea, 2022). However, prisons are not set up to sufficiently treat mental illness. In fact, common practices in American prisons can exacerbate current mental illness and even cause new trauma. One of the many practices called into question is the use of solitary confinement, which can be extremely damaging psychologically. Dr. Craig Haney, a leading expert in penal institution psychology, exclaimed “Solitary confinement precipitates a descent into madness” (“A solitary scandal,” 2013). During solitary confinement, prisoners are confined to small and windowless cells for 23-24 hours a day, with little to no human contact (“A solitary scandal,” 2013). For any human, this would be a painful and anxiety-causing experience. For the mentally ill, this isolation can be even more devastating. Yet, it is commonly employed in prisons as a form of punishment. In addition, prison conditions are generally unsanitary and inhumane, filled with violence, and predatory sexual practices are prevalent (Reimer, 2021). Inmates are isolated from their loved ones outside prison walls, causing a breakdown in valued relationships, leading further to depression, anxiety, and even suicide in the worst of cases. Does any of this sound conducive to healing? Can any of this possibly transform prisoners into better people? Absolutely not. Inmates may return to society with new psychological damage. They must live with their newfound trauma, likely without sufficient access to mental health care, possibly driving them right back into their former life of substance abuse and crime. The current conditions that plague United States prisons are harmful, destructive, and counterproductive, and must be addressed at once if crime is to be diminished and criminals are to be genuinely transformed. Treatment programs and mental health care need to be of primary importance in prisons, and resources must also be easily available upon release as well.

Opponents to prison reform do make some valid points that must be rightly considered. For one, building new prisons may be an answer to the overcrowding crisis, primarily for the sake of prisoners and their health. Since overcrowding no doubt facilitates the spread of disease and also can trigger mental health issues, having more space for inmates would be advantageous. In addition, hospitals for the elderly incarcerated would be a humane and compassionate decision, so proper care and medical treatment can be received in a more comfortable setting. However, the benefits of these are only temporary, and do not tackle the true issues that afflict the system at their core. Eventually, these new prisons and hospitals will also become overcrowded and overfunded, and once again more prisons and hospitals will need to be built. This cycle will continue on with no end in sight. Secondly, opponents believe mandatory minimums and harsh sentences are needed to deter individuals from committing crimes, and to keep criminals off the streets longer (“Mandatory minimum,” 2013). However, as formerly mentioned, this will not work if rehabilitation is not made a priority within prisons. The inmates will be released, and most likely will end up right back in prison, simply because proper treatment was not received, and awful conditions traumatized them further. Although there could be temporary benefit to the ideas of reform opponents, legislators must see the long-term consequences of not establishing more permanent changes in the justice system.

It is abundantly clear that the current justice system in America needs a massive reformation. By deciding to be “tough on crime” through longer and harsher sentencing, government officials put a simple band-aid on a much more complex problem. As a result, crime continues to be widespread, and prisons, meant to protect the innocent public from crime and violence, end up in the long run being mostly unproductive and inefficient. Legislators must see the seriousness of the matter and take immediate action to remediate the issues that afflict prisons, and in turn, hurt society as a whole. Mandatory minimums and excessive sentencing must be done away with. Those who are addicted to drugs and alcohol should receive treatment and mental health care as an alternative to detainment. Mental health care also needs to be affordable and widely available to the public as a preventative. Prisons must become places that mend the “broken” instead of simply cage them. It is the only way sincere change can occur. As clinical psychologist Stephen Ragusea expresses, “we need to improve the funding for our mental health system and stop wasting billions on the largest prison system in the history of the world… We need to do more than get tough on crime; we need to get smart on crime. We can do better” (Ragusea, 2022).

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