



What Causes Overcrowding in Jails and Prisons?

"In 2004 the United States surpassed Russia in incarceration rates to become the world leader. With 2.2 million inside and upwards of 7 million either on parole, probation or awaiting trial, 1 in every 33 people in the U.S. is now under state control and the number is growing."

***"If incarceration worked, wouldn't we see the numbers going down?"
- Holly Richardson, SHaRC Rep.***

1 through 24:

- **Profit motive** – the profit motive that permeates society affects the punishment sector as well. Even in Massachusetts, where the Pacheco law prohibits much privatization, this is a factor. The state and counties contract for medical services, provision of meals, clothing, canteen, and so forth. In order to please shareholders, corporations must achieve growth. Empty cells do not generate profits.
- **Mass round ups of immigrants** and non-citizens who in 2003 made up 40% of federal prisoners. The state and counties receive \$75-100 per day per detainee from the federal government.
- **Dragnets in low income communities** – in which dozens of poor people and people of color are arrested. For example, when the new Chicopee women's jail was proposed, sweeps of sex workers in the Springfield are increased. The majority of these arrests are for low level offenses or outstanding warrants and impact the taxpayer far more than the offense. For example, a \$300 robbery resulting in a 5 year sentence, at the MA average of \$43,000 per year and exclusive of law enforcement and court costs prior to sentencing, will cost \$215,000.
- **The "War on Drugs"** - Prior to the current prohibition era the U.S. Prison population was a quarter of what it is today. But 30 years ago the "War on Drugs" was launched. Before that the prison population had been level for over 5 decades. 70 to 75% of people in prison are drug war prisoners. Drug use, arrest and incarceration rates along with data on sentence length show that people of color unfairly bear the brunt of the drug war.
- **Severe cuts in public health funded detox beds and treatment programs** – In the last three years over 60% of detox beds have been cut throughout the state. Western MA has been particularly impacted with no detox beds currently existing in Hampshire or Franklin Counties. Due to sheer lack of facilities, individuals are often forced to travel far from their communities and support systems to receive treatment. In addition, options for mothers with children are even more limited as treatment programs that allow for mothers to bring their children are few and far between.
- **Transfer of funds from social services and infrastructure into Corrections budgets** – Over the last three decades budgets for social services have been slashed, while Department of Corrections and County Sheriffs budgets have continued to swell. When new prisons and jails are built the money to run them must come from somewhere. Increased corporate tax breaks leave discretionary social service funding as a primary source. Large numbers of those incarcerated are inside for "crimes of poverty". When we understand this, we can see the direct link between cuts in social services and the increase in our prison and jail populations.
- **Criminal Offender Record Indicator (CORI) Laws** – The CORI system, which had an original stated intent of protecting the privacy of those with criminal records, has expanded to such an extent that today it has the opposite purpose. Most businesses, landlords, educational institutions and others have access to a person's criminal record. This leaves nearly 1/3 of all individuals in MA marked for life. With a criminal record it is now nearly impossible to obtain legal employment or subsidized housing, without which many are forced into illegal or underground employment (perhaps the same acts that landed them with a record in the first place) just to provide for themselves and their families.
- **Mandatory Minimum Sentencing** – While proponents of mandatory minimum sentencing had argued that these practices would eliminate racial and other bias in sentencing, studies show that racial disparities remain and may even have worsened as a result. These laws ensure that jails and prisons will be overcrowded, as judges and administrators have no leeway to release inmates to lessen the census.
- **Raising classification of offenses**
- **"Policing" of parole and probation** - Many people are sent back in for very minor, technical violations of parole or probation. Parole officers frequently impede successful reentry rather than support it.
- **Denial of Parole**

- **Unaffordable bails** – Because so many in prison and jail are low-income they are often unable to afford bail. Time spent awaiting trial can often exceed the sentence given if found guilty. Because of this a person will often plead guilty with a sentence of time served and a criminal record (CORI) in order to be released.
- **Overburdened court systems** - Public defenders are over-worked, underpaid and therefore unable to mount a vigorous defense.
- **Poverty** – Elimination of programs, funding cuts and policy changes in social services. With no access to resources people turn to the underground economy to feed themselves and their families, thereby creating prisoners. Examples are:
 - Elimination of Massachusetts' General Relief Program, the 200 year-old welfare program for poverty-stricken single men and women
 - Severe cuts in Assistance to Families with Dependent Children, AFDC
 - Slashing of welfare rolls
- **Cuts in services to those diagnosed with mental 'illness'** (traumatic stress disorders are not genetic conditions, they are responses to a disordered world, see PICS below) – subsequent to massive de-institutionalization. Inadequate resources were allocated to assist those who for decades had been maltreated in state hospitals reintegrate. In addition, few community resources exist to support those deemed mentally ill find employment and housing. These folks are experiencing a re-institutionalization—this time in prisons and jails.
- **Increasing Homelessness** - Reduction in public housing and housing vouchers; exclusion of those with criminal records
- **Job flight and outsourcing** - Without concurrent job replacement
- **Para-militarization of local law enforcement**
- **Criminalization of trivial acts**, behaviors and conduct by adults and youth that a generation ago were not deemed appropriate for arrest.
- **Criminalization of youth by "zero tolerance" policies** – Young people in our state are being refused a public education because of "zero tolerance" policies. In the past a student might have been given an after school detention or an in-school suspension. Now students are being suspended out of school for long periods of time or expelled altogether. The most accurate predictor of who goes to jail or prison is the lack of a high school diploma.
- **MCAS** – Due to the cost of obtaining out of school assistance to increase the likelihood of passing this test, many low-income students, majority people of color, do not finish high school. Many students drop out when they fail to pass in 8th or 10th grade because they know they are unlikely to be granted a diploma.
- **Closing of minimum security prisons and building of more and higher security prisons**
- **Cutbacks or elimination of programs and policies proven to reduce recidivism** - Out of cell time, family visiting hours, educational, vocational and peer programs, furlough, GED teachers, library and gym access, elimination of good time for all but two of the remaining programs.
- **Post Incarceration Syndrome (PICS)** - "...there is growing evidence that the Post Incarceration Syndrome (PICS) is a contributing factor to high rates of recidivism." The cruelty of guards and staff remains a primary problem. In addition to physical violence, those in prison are subjected to verbal violence and ridicule for anything from participation in programs, to sexual preference and gender identity. Post Incarceration Syndrome, a reality for perhaps as many as 70% of prisoners, is a cluster of symptoms caused by incarceration. Impacts are learned helplessness, Post Traumatic Stress Disorder, development of anti-social personality traits "as a coping response to institutional abuse", as well as severe harms due to use of sensory deprivation.

We must also point out that Massachusetts ranks second in the U.S. in staff to prisoner ratios--1 to 2. Because of the good salaries and benefits available--\$60,000 to 71,000 excluding overtime pay and 52 paid days off per year etc., pressure to increase the numbers of these destructive jobs, and therefore prisoners, will continue.

The examples above demonstrate a negative use of law and policy. SHaRC believes that law and policy should be an instrument for the people, promoting social, political and economic justice rather than state repression and violation of civil and human rights.

"Overcrowding isn't necessary, it's deliberate"

Statewide Harm Reduction Coalition and Jail/Prison Moratorium Endorsers

American Civil Liberties Union – Massachusetts (Moratorium Endorser) . American Friends Service Committee - National . American Friends Service Committee - NE Region . American Friends Service Committee - Western MA . Felix Arroyo, Boston City Council . ARISE for Social Justice . BAGLY . Bread of Life . Center for Popular Economics . Chuck Turner, Boston City Council . Citizens for Participation in Political Action . Community Change, Inc. – Boston . Community Church of Boston . Connecticut River Valley Green-Rainbow Party . Criminal Justice Institute, Harvard School of Law (Moratorium Endorser) . Critical Resistance . Drug Policy Forum of Massachusetts . Efficacy . Freedom Center . Grammas for Ganja . Holyoke Girls, Inc. . Jericho – Boston . Peter Kocot, 1st Hampshire District Rep. (Moratorium Endorser) . Lucy Parsons Center . Mass. Coalition for Healthy Communities . Mass. Welfare Rights Union . Out Now . Paloma House . Prison Book Program – Quincy . Prison Book Project – Western MA . Root 9 Collective . Springfield Catholic Workers . Survivors Inc. . Through Barbed Wire . Tom Mooney Local Socialist Party USA . Traprock Peace Center . UAW Local 2322 . Western Massachusetts International Action Center/Troops Out Now . Women's Fightback Network . Women's International League for Peace and Freedom – Boston