

An Introduction to Prison Overcrowding

According to the World Population List (8th edition), more than 9.8 million people were locked up in prisons and jails at the end of 2008. Almost half are in three countries: the United States (2.29 million), Russia (0.89 million) and China (1.57 million).

A way to measure how a country uses prison is to calculate the percentage of its total population is in prison. The typical way this is done is to compare the number of people per 100,000 who are in prisons. If we use that method, the 9.8-million-prisoner figure converts to a world prison population rate of 145 prisoners per 100,000 people.

In some countries the number is much higher than that. The US has the highest incarceration rate (756 per 100,000) followed by Russia (629), Rwanda (604), St Kitts & Nevis (588), Cuba (c.531), U.S. Virgin Is. (512), British Virgin Is. (488), Palau (478), Belarus (468), Belize (455), Bahamas (422), Georgia (415), American Samoa (410), Grenada (408) and Anguilla (401).

Prison Populations Continue to Grow

Prison populations have increased in 7 out of 10 countries. Why is this? Logic suggests a twofold answer: more people are being sent to prison, and prison sentences are getting longer. But those answers raise a follow-up question: why is that happening? Why are most nations sending more people to prison for longer times?

There are three possible explanations. The first is that when general populations rise, the prison population will rise along with it. This seems to be a logical explanation, but unfortunately it does not explain very much of the increase that countries have experienced because the incarceration rates in many countries is growing. That means that the percentage of prisoners is rising faster than the general population.

A second explanation is that crime rates are rising. It is certainly true that crime rates are high in many countries. Crime victim surveys in 55 countries found that out of three of the world's urban residents had been crime victims at least once in the past five years. But in many countries with the most dramatic increases in prison population, crime rates have remained the same or even dropped.

The third explanation is that governments are making policy decisions to send more people to prison who would not have gone before, and for longer periods of time.

Imprisonment as Policy

This hypothesis gains credence when we note that incarceration rate varies considerably by region. The median rate in western African countries is 35 per 100,000 but in southern African nations is 231. The median rate in southern American countries is 154 but in the Caribbean it is 324.5. The median rate for south central Asian countries is 53 whereas for central (ex-Soviet) Asian countries it is 184. In Europe the median rate for southern and western European countries is 95 but for countries that span both Europe and Asia (for example, Russia and Turkey) it is 229.

This means that different countries have different policies about the use of prison. The US is highly-committed to imprisonment whereas western African countries are not. This is important in considering how to address prison overcrowding.

Pro-imprisonment policies have been attributed to four factors. First is an increased public fear of crime. (Note the difference between increased **fear** and increased **crime**. Fear can rise even when crime itself does not.) A second factor is disillusionment with the criminal justice system. If people lose faith in the ability of the police and courts to protect them, they will support tougher

sentencing laws. The third factor is the increased belief that prisoners cannot be rehabilitated. This belief is based on questionable science, but it lends itself to hopelessness and tougher sentences. The final factor is related: the growing strength of retributive philosophies of punishment.

Does It Matter if Prisons Are Overcrowded?

Does it matter if prisons are crowded? It does, for four reasons. First, overcrowded prisons are hard to control. They are more likely to be violent, health and sanitation deteriorates, and it is much more difficult to carry out programs that will ease the prisoners' re-entry, such as education, work, recreation and family visitation.

Second, overcrowding matters because virtually all prisoners will be released one day. The conditions they experience in prison will contribute to their ability and inclination to make pro-social decisions when they are released. Recidivism rates -- repeat offender rates -- are high for prisoners anyway, and overcrowding increases the likelihood that they will go even higher.

Third, overcrowding matters because human rights provisions require that prisoners be spared cruel and degrading punishments. No country should tolerate the kinds of conditions that result from overcrowding, neglect and corruption.

Fourth, overcrowding matters because prisons are expensive to build and expensive to run. No country can afford to build its way out of its overcrowding problem, even the richest of countries. It has been plausibly argued that in some parts of the United States it is possible to trace the rise in government spending on prisons with a drop in government spending on education. Any country adding to its prison populations will have to spend more money there, and more money to prisons means less money for other purposes.

Solutions

There are two basic strategies to reducing prison overcrowding. The first is reduce the number of people going into prison in the first place. This means diverting less serious offenders to alternatives to prison. Many times this can be done under existing laws and regulation. Sometimes this requires legislation. Curtailing the requirement of pre-trial detention for minor crimes is one way to accomplish this.

The second strategy is to reduce the time that offenders spend in prison. This may be done by speeding up court hearings for those who are detained before trial. In addition, the length of sentences imposed on offenders can be reduced, or prisoners who behave may be released early for good behaviour. Some countries have adopted parole as a means to do this.

Daniel W. Van Ness

March, 2008

This paper is an updated version of a paper titled "Trends in Prisons around the World and in Latin America" presented at Seminario-Taller: Análisis y Perspectivas del Sistema Penitenciario en Panamá, in Panamá City on 24 May 2001.