

PRISON OVERCROWDING

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EXECUTIVE SUMMARY

In Canada and the United States, prison overcrowding has placed extreme pressure on correctional facilities. An increasing inmate population, coupled with declines in correctional spending, have resulted in prison overcrowding which quite often exceeds the facility's maximum capacity.

The Correctional Service of Canada (CSC) National Inmate Survey (1995), found that 26.4% of inmates stated that they were currently sharing a cell with another inmate. Furthermore, 12% of those inmates sharing a single cell felt threatened by their cell-mate.

Prison overcrowding has many negative effects upon inmates. Research has demonstrated that prison overcrowding creates competition for limited resources, aggression, higher rates of illness, increased likelihood of recidivism and higher suicide rates.

There are various methods to reduce prison overcrowding. Among the more influential are prison design and reducing the prison population by developing community based alternatives to incarceration.

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INTRODUCTION

In writing about prison reform 200 years ago, John Howard expressed grave concern about the miserable conditions existing in most prisons of that time and about the destructive effects of such conditions on inmates. While prison conditions have improved considerably in many ways, the present correctional system is still struggling to cope with some of the same problems experienced in the past. Prison and jail overcrowding has continued to haunt Canadian and United States corrections facilities as the pressures of an increasing inmate population, coupled with the demand for lower corrections costs, have resulted in a growing shortage of living space for inmates. Not only are institutions operating at maximum capacity, but some exceed capacity. Increasingly, inmates are forced into double-bunking in single cells or living in open dormitories. The Correctional Service of Canada (CSC) National Inmate Survey (1995), found that 26.4% of inmates stated that they were currently sharing a cell with another inmate. Furthermore, 12% of those inmates sharing a single cell felt threatened by their cell-mate (Correctional Service of Canada, 1995, p. 1). Many critics, including corrections officials, have viewed such overcrowded conditions as degrading and dehumanizing for inmates and contradictory to the current correctional reforms which emphasize maximizing the opportunities available to inmates.

THE EXTENT OF OVERCROWDING

The Security Branch of the Correctional Service of Canada (CSC) has primary responsibility for offenders sentenced to imprisonment for two years or more. As of March 1994, there were 56 federal penitentiaries operating across the country, of which 11 were maximum security institutions, 19 medium security and 11 minimum security; the remaining 15 were community correctional centres (Correctional Service of Canada, 1994, p. 10). The total federal inmate population in 1994 was 13,873, of whom 323 (2.3%) were women. The number of inmates actually incarcerated in institutions was 12,417, with the remaining 1,456 inmates living in the community on day parole, temporary absence, hospitalized or unlawfully at large (Correctional Service of Canada, 1994, p. 13). The 8,574 federal inmates classified as medium security made up the largest single group, representing 61.8% of the total inmate population, followed by maximum security at 2,485 (17.9%) and minimum security at 2,427 (17.5%) (Correctional Service of Canada, 1994, p. 15).

In 1996, as a response to severe overcrowding in Canada's federal penitentiaries, the CSC embarked on a plan to more effectively deal with violent high-risk offenders, while examining alternatives to incarceration for low-risk offenders (Correctional Service of Canada, 1996, p. 3). Research into public opinion reveals that Canadians are flexible to alternatives to incarceration for low-risk offenders provided the justice system becomes more punitive in its dealings with high-risk, violent offenders (Correctional Service of Canada, 1996, p. 3).

In the United States, prison and jail overcrowding had hit crisis proportions by the mid-1980s. Between 1977 and 1985, the total growth in state and federal prison population had increased by 68%; over 10,000 state prisoners were being incarcerated in local jails due to prison crowding

(Skovron, Scott, & Cullen, 1988, p. 151). During the same period the population of local jails had more than doubled (Shelden & Brown, 1991, p. 347). Although prison admissions were expected to level off by 1990, overall prison populations were still predicted to continue to grow throughout the 1980s and 1990s, largely as a result of sentencing and correctional policy changes which increased the length of prison terms. Nonetheless, in 1984, the entire corrections systems of seven states and the District of Columbia were operating under court orders to reduce overcrowding. That same year, \$1.7 billion was allocated for the improvement, expansion and construction of corrections facilities and by 1985, 35 states were involved in the construction or planning of 61,975 more beds (Skovron et al., 1988, p. 152).

THE EFFECTS OF PRISON OVERCROWDING

Studies into the effects of overcrowding on inmates have also meant defining overcrowding and describing what the basic effects of crowding can be on humans. Crowding research has concentrated mainly on the spatial density and the social density of crowding. Spatial density is defined as the amount of space (number of square feet) available per person in a particular housing unit. Social density is defined as the number of individuals sharing a housing unit and is considered the factor which contributes most to the adverse effects of crowding (Toch, 1977, p. 31). However, it has been suggested that density alone does not explain the total effects of crowding. Researchers have found other factors that might lessen or heighten the impact of density, such as personal control and the physical environment itself (Smith, 1982, p. 51).

Crowding is only indirectly related to mere numbers or density of people. It is possible to feel crowded in the presence of few people, or not crowded in the presence of many. The significant element appears to be frustration in the achievement of some purposes because of the presence of others. (Toch, 1977, p. 30)

The prison environment is characterized by factors which can have adverse effects on individual inmates. In the prison setting crowded conditions are chronic, people prone to anti-social behaviour are gathered, there is an absence of personal control and idleness and boredom can be prevalent. Research has indicated that overcrowding has three types of effects on the daily prison environment. First, there is less of everything to go around, so the same space and resources are made to stretch even further. The opportunities for inmates to participate in self-improvement and rehabilitative programs, such as academic, employment and vocational training are curtailed. The lack of work or work opportunities lead to inmate idleness, often reinforcing the maxim that idleness breeds discontent and disruptive behaviour (Cox, Paulus, & McCain, 1984, p. 1149). In addition, lack of resources can apply to anything an inmate might need to use, such as washroom availability, library books, television lounge seating and recreational materials. The unavailability of resources can have twofold consequences. One is the frustration or unpleasantness of being limited or denied a resource, and the other is the fact that competition and conflict over limited resources often lead to aggression and violence (Johnston, 1991, p. 19).

The second effect of overcrowding is on the individual inmate's behaviour. Crowding creates stress and this, in conjunction with other factors in a prison setting, can heighten the adverse effects of crowding. Idleness, fear, the inability to maintain personal identity, or to turn off unwanted interaction and stimulation, such as noise, all add to the stress of crowding. The adjustment process for inmates to cope with excess stress varies; it could be withdrawal, aggression or depression. Whatever way an inmate chooses to deal with crowding stress, generally they tend to be methods which do not enhance the health of the inmate (Cox et al., 1984, p. 1150). The impact on social relations and interaction has been considered one of the most important effects of prison overcrowding. Findings have indicated that in crowded situations there is more aggression and competition for resources, less cooperation and more social withdrawal. Other individuals in a crowded situation are perceived as less attractive or interesting, and the social milieu itself becomes unpleasant. Also, social withdrawal in response to crowding manifests itself in various ways. Adopting a defensive or guarded attitude is one method of withdrawing, which by its nature decreases the quality of social interaction. Similarly, topics that dominate conversation in crowded settings tend to be less personal or self-relevant, even among well-acquainted people (Johnston, 1991, p. 18).

The third effect involves a combination of the correctional system's inability to meet the increased demand for more space and the resulting harm to individual inmates. In an attempt to cope with the limited space available and the resulting overcrowding, there has been a strong tendency to misclassify offenders. To a certain degree, overcrowding has resulted in offenders being classified on the basis of the space available rather than the security level and programs most suitable for the offenders (Cox et al., 1984, p. 1156). This problem exists despite the fact that the offender classification process for security purposes is standardized. It has not been uncommon to find inmates, classified as medium security, incarcerated in maximum security institutions, while other inmates were in medium security facilities who would previously have been considered candidates for maximum security (Report of the Study Team, 1984, p. 44). However, the effects of misclassifying offenders due to overcrowding extend beyond the immediate consideration of there being too little space and too few resources. It also leads to slow progress through the corrections system and consequently to slow exit, which in turn perpetuates or increases the overcrowding problem. If the assignment of inmates is carried out solely on the basis of available space, inmates are being manipulated to meet the requirements of the corrections system rather than the environment and programs being modified to meet the requirements and needs of the inmates. This results in poor programming for inmates, which hinders their progress. Also, misclassification errors can result in inmates being labelled in a manner which carries strong negative connotations (Clements, 1982, p. 75).

Since infractions result in a "failure to adjust" label, and since adjustment is a major criterion for progress through the system, a slow-down in the advancement of inmates can easily be predicted. (Clements, 1982, p. 76)

Essentially, the effects of overcrowding and misclassification create a vicious cycle for the inmate. It begins with overcrowding, then the assignment to an inappropriate facility and programs (misclassification), followed by inmate stress reactions to the lack of services, no movement or

progress within the system, being labelled as “failure to adjust,” no parole release, rule infractions to regressive transfer. At this point the cycle starts all over again (Clements, 1982, p. 77).

Research has also sought to demonstrate a link between the amount of space available or the number of inmates per room, and the various measures of personal and institutional strain, such as blood pressure, illness complaints, disciplinary infractions and recidivism rates. Most studies indicated that crowded conditions could be reasonably well tolerated for short periods, but in terms of a long term crowded environment, prisons contained unusually high concentrations of the stress-inducing features.

Crowding affects more than a selected few inmates within the prison environment. Crowding has been described as an interactive variable, which can sometimes cause, sometimes result from or sometimes exacerbate the impact of other conditions. No matter how the variable is classified, it produces a range of outcomes. Overcrowding of inmates has been connected with higher rates of psychiatric commitment (Paulus et al., 1978), higher rates of illness complaints (Paulus et al., 1978; McCain, Cox & Paulus, 1976) and with an increased likelihood of recidivism (Farrington & Nuttal, 1980). Also, rates of suicide and other forms of violent death have been found to be higher during periods of overcrowding (McCain et al., 1980), as have increased rates of violence and other disciplinary infractions (Megargee, 1977; Porporino & Dudley, 1984; Ruback & Carr, 1984). Although many negative effects of crowding have been identified, overcrowding does not affect all prisons uniformly. For instance, it has been reported that larger institutions with younger inmates tend to be more affected by crowding (Porporino & Dudley, 1984). Moreover, substantial individual differences in responses to crowding have been found among various racial, ethnic and socio-economic groups (McCain et al., 1980).

REDUCING OVERCROWDING

The availability of empirical data indicating that crowded prison conditions are stressful and create conditions contrary to any aim at rehabilitation has increased efforts to find ways of reducing overcrowding. Some of this work is focussed on making changes to the design and operation of the physical environment of corrections facilities. Meanwhile, others have been looking at ways of reducing the number of incarcerated offenders.

Design

A poorly designed physical environment can cause frustration and reduce well-being and this is equally applicable to correctional institutions. Operating on the principle that a more “human” design can set the stage for positive interaction and improved well-being, a major renovation of the medium security William Head Institution in British Columbia was undertaken. Scheduled for completion in 1992, the rebuilding project was to make William Head the first institution of its type in Canada. The new design concept attempted to reflect much of what has been learned from the research into the effects of overcrowding in the prison setting.

The noise caused by walking, talking, yelling, radios and televisions is incessant in correctional institutions, as are hard surfaces such as tiled floors which reflect rather than absorb noise. The William Head design will incorporate the use of sound-deadening materials like carpet and acoustic tiles. Metal-on-metal contacts have been avoided or limited and television and radio noise reduced by isolating or dispersing audio sources. The use of rugs, wall decorations and cushioned chairs has been used to not only reduce the noise, but to enhance social interaction. Research showed that people discussed private matters more openly in such “softly” furnished settings than in a “hard” one with bare floors and walls and hard chairs. The problems usually associated with clanging cell doors and the general bustle of 40 or 50 inmates living in a cell unit would be alleviated by building housing units which hold only five or six inmates. It was expected this would make the noise level less stressful and closer to resembling that of a normal residential environment (Johnston, 1991, p. 18).

Inmate surveillance and external control have been foremost concerns in traditional institution designs. New design concepts, such as those implemented at William Head, emphasize inmate responsibility and internal or social spheres of control. The new correctional environment will afford inmates a freer range of coping behaviours, a greater degree of perceived control and privacy; this includes being able to “escape” to the privacy of the individual’s own space. Privacy, generally defined as the control of access to self, has been lacking in most older-style institutions. Much research has focussed on privacy and some of the findings incorporated into the new design. Studies showed, for instance, that inmates housed singly tended to fare the best despite having the least space in square feet. This suggested that the need is not for more room for inmates, but rather for small or moderate amounts of room with some degree of privacy. An important feature of the William Head design is the private bedroom for each inmate. Inmates will be allowed to decorate and arrange their rooms and will have keys to their rooms, allowing control over access to their private space. Correctional staff will have a master key, but this will not allow staff to lock inmates in their rooms (Johnston, 1991, p. 20).

Territorial behaviour is commonplace in correctional settings; for example, bikers or some ethnic or racial group will habitually occupy a certain area of a cafeteria. However, while territoriality is characteristic in prisons, it is not exclusive to them. Territorial behaviour has shown to be universal and occurs on the street, in the neighbourhood and basically anywhere that groups of people are found. Because there was little empirical data available about how territoriality issues can be incorporated into building design, it was a problem for the designers of the William Head institution

to accommodate territorial concerns. Nonetheless, territoriality is a commonplace feature of any residential environment. Despite the lack of data, the designers of William Head maintained it would be reasonable to suggest that the construction of a more normal environment for inmates might in itself achieve a degree of “normalized” residential territoriality within the institution (Johnston, 1991, p. 21).

Reducing the Incarcerated Population

Many corrections officials and researchers agree it is not realistic to expect to solve overcrowding problems solely through the construction of more and newer facilities. As one researcher put it:

The financial realities of trying to build our way out of the correctional crisis makes today’s fiscal conservatives sound like yesterday’s rehabilitationists. (Rosenfeld & Kempf, 1991, p. 493)

There has been an increasing focus in both Canada and the United States on attempting to reduce the population of correctional facilities, whether current or future, through the use of alternatives to incarceration, such as community supervision and intermediate sanctions, ranging from fines to parole release. However, this has proved to be a far more complex and challenging route than that of redesigning the physical environments of corrections facilities.

The Correctional Service of Canada has established five corporate objectives for 1996-97 to 1998-99. The first objective addresses prison overcrowding; CSC’s objective is to continue effective population management (Correctional Service of Canada, 1996, p. 6). CSC’s strategy is to develop differential standards for community supervision that will enable community case workers to focus greater attention on high-risk offenders (Correctional Service of Canada, 1996, p. 6). CSC will also develop better policies with regard to those individuals identified as good parole risks. That is, CSC will develop policies that will allow more low-risk offenders to be released at their earliest parole eligibility date (Correctional Service of Canada, 1996, p. 6).

In the United States, researchers have explored alternative responses to overcrowding and, in the process, called into question not only the effectiveness of community-based alternatives to incarceration as a solution to overcrowding, but some of the assumptions about the reasons for correctional overcrowding. Many had assumed jail and prison overcrowding resulted from rising crime rates and general population growth. However, research data indicated that a major factor in overcrowding, especially in jails, was a rise in the arrest rate for such crimes as impaired driving, domestic violence and drugs (Shelden & Brown, 1991, p. 347).

Meanwhile, in many United States jurisdictions, community-based corrections programs are more crowded than the prisons. Initiatives to reduce prison crowding by keeping offenders in the community need to take into account the large number of offenders already under community supervision. In Los Angeles, for instance, probation officers carried caseloads of 1,000 or more offenders, while in San Diego the caseloads ran as high as 700 offenders per officer; the 1989

nationwide caseloads averaged 107 probationers. Furthermore, the proportion of probationers classified as high-risk has also increased significantly, prompting community safety concerns and questions about the capacity of existing community programs to effectively supervise individuals who would otherwise have been incarcerated had there been room (Rosenfeld & Kempf, 1991, p. 489). Community-based corrections cannot function as an effective alternative to imprisonment if parole and other community supervision programs are suffering the same, or worse, crowding problems as the correctional institutions.

Nonetheless, many United States policy makers are endorsing community-based alternatives to incarceration, believing that there are not enough resources to continue “warehousing” every offender convicted of a crime. Three problems have been cited concerning the alternatives to incarceration approach to reducing overcrowding. First, it falsely assumes that most or a large percentage of convicted offenders are in correctional facilities, when in fact most are on probation. Second, it assumes that a large portion of inmates will qualify for community-based programs. Unless the standard eligibility requirements are relaxed to include violent offenders and/or repeat offenders, only a small percentage of prison inmates would be eligible for community corrections programming. Finally, a major attraction of community-based alternatives to incarceration can lie in their presumed comparative cost advantage. In the United States, it costs about \$2 to \$3 a day to supervise someone on parole or probation, while it costs about \$45 a day to keep an offender in prison. However, these cost comparisons can be deceptive because of the dramatic differences in supervision levels between correctional facilities and community programs. Caseloads in prisons average about five per officer, while the caseloads for community supervisors is about 107. If probation and parole agencies were to hire the additional personnel necessary to reduce caseloads to five, average per capita costs would rise to about \$40 a day, which is not much lower than the cost to confine someone in a correctional facility (Rosenfeld & Kempf, 1991, p. 492).

While these concerns are expressed in relation to the United States correctional system, there are enough similarities in Canadian corrections to make the criticisms potentially applicable. In Canada, offenders on parole, day parole and mandatory supervision made up 40% of the offender population in 1994. While incarcerated offenders comprised the remaining 60%, neither could it be said Canada has been engaged in wholesale “warehousing” of its offender population (Correctional Service of Canada, 1994, p. 13). As for the concerns expressed about parole eligibility, 79.7% of federally sentenced offenders in 1994 were classified as either maximum (17.9%) or medium (61.8%) security risks, while only 17.5% were classified minimum security risks (Correctional Service of Canada, 1994, p. 15). This could suggest that the Canadian correctional system would also have to consider relaxing parole eligibility requirements if it wanted community-based alternatives to incarceration to make any kind of significant reduction in the inmate population. Lastly, there is also an apparently financially enticing difference between the costs of keeping an offender in a federal penitentiary compared with keeping the individual on parole or mandatory supervision; the average annual cost of federal incarceration is about \$65,371, while the cost of keeping an offender in a community-supervised program is about \$8,527 annually (Correctional Service of Canada, 1994, pp. 48-49).

DISCUSSION

Whatever solutions are sought to the overcrowding problems in Canadian and United States correctional facilities, success will not lie in merely transferring inmates from crowded prisons to crowded alternatives to incarceration. Solving prison overcrowding does appear to involve its own version of “Catch 22.” For instance, unless the eligibility requirements for community supervision programs are expanded substantially, they will not significantly alleviate prison crowding. On the other hand, if eligibility is extended to include the types of offenders confined in prisons, then in order to protect public safety there would have to be a significant increase in the level and intensity of supervision in community programs. This could well lead to some community-based programs resembling prisons, both financially and organizationally.

Out of 15 countries, the United States has the highest rate of imprisonment at 529 per 100,000 of population. While Canada’s is substantially lower at 130 per 100,000, it still ranks fourth highest in the world (Solicitor General Canada, p. 1). Incarceration has been the traditional mainstay of the Canadian correctional system. However, the issues raised by prison crowding may demand that the focus on crowding be extended from the traditional prison to include the entire system of correctional control.

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