

Rehabilitation Over Punishment: United States Federal and State Prisons

Works cited ↓

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RESEARCH QUESTIONS

- How do court decisions shape the boundaries of acceptable disciplinary actions within prisons?
- To what extent do existing laws aid and prohibit the ability of inmates to seek justice for their grievances?
- Where do actions by corrections officers cross the line from disciplinary actions to illegal behavior?

METHODOLOGY

- Engaged in review of scholarly literature, legal analysis of various federal laws, and Supreme Court cases.

ARGUMENT

- There are masses of incarcerated individuals who lack legal freedoms due to the vague laws and legal precedents that grant prisons and their officers too much discretionary power.

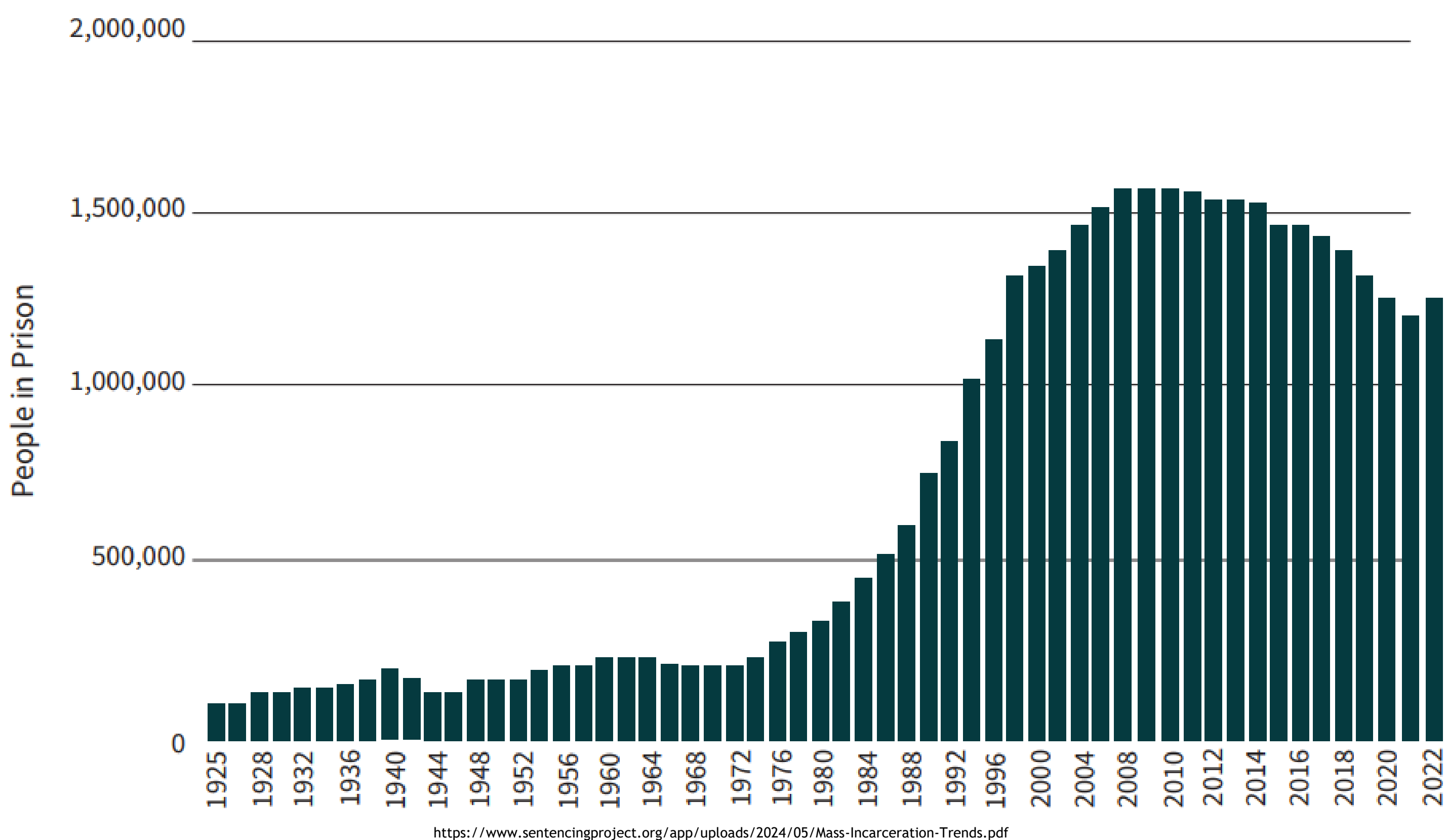
KEY CONCEPTS

- Sovereign Power: Power associated with the rule of centralized authority.
 - Based on the right to decide life over death and operates through laws and other direct commands.
- Biopolitical Power: Power that governs whole populations rather than just individuals.
 - Rather than focusing on punishment, biopolitical power focuses on the optimization of life
 - Instead of governing through laws, it utilizes policies and institutions to influence how people live.
- Federal prisons operate within a biopolitical framework that controls the incarcerated population by using laws which grant broad discretionary power to determine who is granted legal protections and who remains in a state of limited political agency.

THEORETICAL FRAMEWORK

- Giorgio Agamben is an Italian philosopher who argues that modern states blur the line between sovereign and biopolitical power while building upon those ideas.
 - “Bare life” (homo sacer): Life that can be excluded from legal protections
 - With all the vague laws and precedents, the government tries to practically reduce the inmates to this status of “bare life”; however, the inmates still have very limited legal protections.

Figure 1. U.S. State and Federal Prison Population, 1925-2022



The Prison Litigation Reform Act slammed the courthouse door

Civil rights lawsuits filed per 1,000 incarcerated people, 1970-2018



Source: Margo Schlanger, *Incarcerated population and Prisoner Civil Rights Filings, FY 1970-FY2020*, Table A, <https://incarcerationlaw.com/resources/data-update/#TableA>.

PRISON
POLICY INITIATIVE

LIMITATIONS

- The treatment of incarcerated individuals is not universal and the level of access to legal channels and abusive treatment will differ from facility to facility.
- Since some abuses could very likely be kept in facility, finding more concrete examples and data was difficult with my timeframe.

LEGAL ANALYSIS

- Comprehensive Crime Control Act (1984)
 - Overhauled the U.S. criminal justice system by establishing sentencing guidelines, abolishing parole, and changes to the insanity defense.
 - The guidelines established its goals to be, “detering crime, incapacitating the offender” and “providing just punishment...”.
- Prison Litigation Reform Act (1996)
 - Added new guidelines to make it more difficult for incarcerated individuals to file lawsuits.
 - This made it significantly harder for inmates with legitimate grievances to receive justice, and indirectly made prison conditions harsher as the abuses are harder to be checked due to less lawsuits.

IMPORTANT COURT CASES

- *Procunier v. Martinez* (1974):
 - Established that any prison regulations that affect constitutional rights must be tailored to a specific governmental interest (security, order, rehabilitation of inmates, etc.)
- *Turner v. Safely* (1987)
 - Overturned *Procunier v. Martinez* and established a new harsher legal standard that evaluates the constitutionality of prison regulations.
 - For a restriction to be constitutional it need only have a “valid, rational connection” to any “legitimate government interest” giving prisons too much discretionary power.
- *Wilkins v. Gaddy* (2010)
 - Ruled that prisoners do not need to show serious injuries to claim excessive force which was a win for prisoner’s rights.
 - But, emphasized that the key issue in deciding the constitutionality of force is whether the force was used “maliciously and statistically” or to “maintain or restore discipline”, not the extent of the injury.

CONCLUSIONS

- The decision in *Overton v. Bazzetta* (2010) affirms the precedent from *Turner v. Safley* (1987) and proves the danger of the broad discretion it provides.
- The restrictions imposed by the CCCA and PLRA were some of the largest contributions to mass incarceration issues within the United States. Prior to their passage, the prison system was much less punitive and more focused on rehabilitation.
- I suggest that there should be more definitive guidelines like the precedent set in *Procunier v. Martinez* (1974), where regulations must be tied to specific governmental interests rather than any “legitimate” one sufficing.