

TRANSFORMING THE SYSTEM



SOLUTIONS & ACTIONS TO

Improve Conditions in Prison

Decent, rehabilitative prisons are a basic human right¹ and crucial to the successful reintegration of formally incarcerated people. Yet, the conditions in some prisons are so abysmal and abusive that incarcerated people leave the facilities in far worse physical and emotional shape than they entered. It is crucial that prison conditions do not violate the basic human rights of incarcerated individuals. Prisons must be focused on rehabilitation and should provide opportunities for individuals to further their education, learn skills, receive treatment for drug addiction, and counseling for mental health issues. People who are incarcerated should be able to maintain their social ties to the community by remaining in close contact with their families.

1. Include the Voices of the Formerly Incarcerated

Congress, state governments, and prison officials should proactively include the voices of incarcerated and formerly incarcerated individuals in assessing policy initiatives that affect people in jails and prisons.

2. Require Gender-Specific Healthcare

Congress and state governments, and prison officials should require the provision of gender-specific and gender-sensitive medical care; provide education and care for women with HIV, AIDS, and Hepatitis C, including treatment for the curable Hepatitis C; and allow individuals access to appropriate feminine hygiene products and barrier contraceptives.

3. Require LGBTQ-Inclusive Healthcare

Prison officials and the Bureau of Prisons (BOP) should ensure that LGBTQ-inclusive healthcare is provided, make condoms and barriers freely available to incarcerated people, and provide any required therapies to transgender incarcerated people, including hormone therapy.

4. Commission Inspections by the Formerly Incarcerated

Congress, state governments, and prison officials should require independent commissions that include formerly incarcerated people and will inspect prison conditions and report on their compliance with human rights standards.

5. Abolish Solitary Confinement

Congress and state governments should abolish the use of solitary confinement as a disciplinary measure for incarcerated people, especially for juveniles and individuals with mental, psychiatric, and/or physical health issues.

6. Provide Educational Programs

Congress and state governments should provide prison educational programs that allow individuals to obtain a trade or vocation and use the incentive of “earned time off to encourage participation in addiction treatment, cognitive behavioral therapy, educational classes, faith-based programs, and other self-betterment activities prescribed in accordance with individualized case plans.”²

7. Respect Human Rights

Prison officials and the BOP should eliminate prison practices that violate incarcerated people’s human rights, including the shackling of women while pregnant or during childbirth. United Nations experts and representatives should be provided with unrestricted access to jails and prisons to ensure that they comply with human rights norms.

8. Eliminate Prison Rape

Congress should provide incentives to state governments and prisons that successfully reduce the occurrence of prison rape consistent with the mandates of the Prison Rape Elimination Act.³

9. Re-Fund Pell Grants

Congress should re-fund Pell grants for incarcerated people to allow for education and to support individuals interested in furthering their education before they return to their communities.

10. Individualize Rehabilitation

“The BOP should implement an actuarial risk and needs assessment tool,⁴ ensuring that the tool is used only to inform treatment, programming, and service-delivery decisions ... develop case plans and deliver programming based on individual risk to reoffend, criminogenic needs, and other personal factors and characteristics that may influence the rehabilitative process ... [and] conduct a system-wide assessment to identify surpluses and shortages in programming⁵ capacity at each facility.”⁶ Public defense offices and civil society should play an active role in devising these tools to ensure that they are unbiased and rely upon culturally sensitive metrics.

¹ Office of the United Nations High Commissioner for Human Rights, “Human Rights and Prisons,” <http://www.ohchr.org/Documents/Publications/training11Add3en.pdf>.

² Charles Colson Task Force on Federal Corrections, “Transforming Prisons, Restoring Lives: Final Recommendations of the Charles Colson Task Force on Federal Corrections, January 2016, <http://colsontaskforce.org/final-recommendations/Colson-Task-Force-Final-Recommendations-January-2016.pdf>.

³ 42 U.S.C. Ch. 1, aiming to “make the prevention of prison rape a top priority in each prison system.”

⁴ Nathan James, “Risk and Needs Assessment in the Criminal Justice System,” Congressional Research Service, Oct. 2015, <https://www.fas.org/sgp/crs/misc/R44087.pdf>: Risk and needs assessment instruments typically consist of a series of items used to collect data on behaviors and attitudes that research indicates are related to the risk of recidivism... The Risk-Needs-Responsivity (RNR) model has become the dominant paradigm in risk and needs assessment. The risk principle states that high-risk offenders need to be placed in programs that provide more intensive treatment and services while low-risk offenders should receive minimal or even no intervention.

⁵ Programming may include G.E.D. programs and other educational programming. This assessment should look to expand available programming to ensure that incarcerated people are able to benefit from the programming.

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