

Group #PS007**Yale Global Policy Conference****Thesis Statement:**

Our policy prescription seeks to maximize the efficiency of resource allocation towards specific improvements in prisoners' welfare. By allowing prisoners to vote on a limited number of areas where the money can be used we resolve their most pressing issues and also grant them respect as individuals. Specific targets and Department of Justice supervision will ensure the effective functioning of this mechanism.

Background Analysis:

Imprisonment is related to deprivation of human rights. A punishment focused system prevents a meaningful entry of the convicted into the society for a lifetime. Most policy reforms are related to reducing incarceration rates (e.g. Massachusetts' act establishing a prison construction moratorium[1]), reducing sentences (e.g. second look act of 2019[2]) and so on to prevent overcrowding in prisons which leads to increased violence and unavailability of essential services. Some cases have seen prisoners sleeping on the floor, contaminated food, and a lack of basic sanitation. US prisons are overcrowded and understaffed. Alabama's prisons are 190.9% occupied [3]

US prisoners are six times more likely to get a foodborne illness than the general population[4] and people reentering communities after incarceration are sicker than the general population[5]. Reforming the prison system to improve the living conditions of prisoners will therefore help prisoners to begin to reintegrate into society. Illiteracy rates among adult inmates are estimated at 75% [6]

Public opinion also makes reforms difficult[7], and many see prison reform as too costly or disruptive to the justice system. Prison reform decisions are made by policymakers who are usually unaware of prison living conditions and not by people who are directly affected by it such as prison wardens. Also, prisoners have no say in these policy decisions.

Previous reforms have recognized the rights of prisoners, such as the precedent established by *Cooper v Pate* in 1964, where the Supreme Court ruled that the Bill of Rights was equally applicable inside of prisons and granted the right to sue over prison conditions [8]. Though slowly, the trend is progressing towards recognizing the incarcerated as individuals

US Prisons are currently administered under the Department of Justice through the Federal Bureau of Prisons. Recently, steps have been taken to "Maintain a Safe and Humane Prison System"[9] through policies like the First Step Act, implemented under the Trump administration which gave female inmates access to feminine hygiene products. The Bureau of

Prisons is the largest employer under the DOJ and has the second largest appropriation at \$7.865 billion in 2022 [10]. The DOJ internal review has consistently placed “managing the federal prison system as one of the most significant and important management challenges facing the Department.” [11]

Policy Idea:

Our policy would assign the allocation of reform funds to a board of wardens. They would receive handsome bonuses for this work, but be elected by prisoners. It would also establish a forum where prisoners can communicate with these wardens. The use of Government money is decided by these wardens who are answerable to the prisoners, creating a system of ‘democratic reform’ which can efficiently allocate resources to improve one of the following: sanitary conditions, education, healthcare, cleaner water, or healthy food.

It of course is not limited to any one of these as the system running in perpetuity could potentially address all of them. In addition, this would be completely transparent without requiring the constant involvement of a supervising body, only the occasional visit of a DOJ Official to moderate board elections and check for minimum standards.

Policy Analysis:

This policy draws on neoclassical economic ideas of incentive, rationality, and utility maximization. Both the prisoners and wardens are thus incentivized to work towards improving prison conditions. The money that is poured into reforming finds its most efficient allocation based on the aggregate of these individual demands which are all interdependent.

Board elections held every 3 months, supervised by BOP ensure that the mechanism is functioning properly and keeps wardens working to reform to gain that bonus. The prisoners now have a direct way of voicing their requests and are humanized. The wardens are incentivized to spend the money on the reforms the prisoners want because of the bonuses.

Various studies have shown that market-emulating solutions provide the most efficient allocation of resources[12]. This policy simply uses this concept to efficiently allocate resources towards reform. The classical economic observation is that often individuals understand their needs better than Government, and this policy finds its strength in that it is flexible, and rather than getting lost in the minutiae of individual issues, it provides a mechanism that can resolve multiple.

This is not just a calculus of rational self-interest, however. It is democratic, gives prisoners some level of control over their situation and restores their human dignity, all without

diminishing the aim of carceral punishment. Society at large also benefits because prisoners will exit the system with a sense that it is important to actively participate in society in order to see the changes they want. This solution crafts better citizens and is just, for the prisoners, and for society.

Although the power may seem to be concentrated in the hands of the wardens, yearly checks from the DOJ would be performed to ensure that minimum standards are met. This more effectively meets the BOP's goal to "protect society by confining offenders in the controlled environments of prisons and community-based facilities that are safe, humane, cost-efficient, and appropriately secure, and that provide work and other self-improvement opportunities to assist offenders in becoming law-abiding citizens."

Another strength is that the finances are completely scalable. For whatever amount the Government wants to spend on reform, about 75% would enter the reform fund controlled by the board, and 25% would go towards the board's bonuses. Thus, no matter the amount Governmentt wishes to spend, this is financially feasible. This could be piloted at a small level, but is scalable.

The formation of the board and setting up of the systems would not take more than two months, providing a quick solution, but also one which is sustainable. The DOJ (via Federal Bureau of Prisons) will observe elections and check for minimum standards on a randomized basis. This policy is also uncomplicated and falls completely within the pervue of the DOJ, eliminating the need for complicated cross-departmental communications.

The free-rider problem does present concern, in that prisoners may just vote for things not in their long term interest. This problem is largely mitigated by a limitation on what constitutes the 'reform' that the Board may actually spend money on. Though it is at their discretion, it will be made clear that indulgences like televisions, etc. do not fit within the purview of the established goals.

Implementation Plan:

Implementation would be a multi-phase process:

- i). *Pilot Phase*: the DOJ selects a pilot minimum-to-low security prison where a test committee and election system will be set up. The prisoners are briefed and a DOJ official supervises, observing to see if minimum standards of 5% increased literacy through testing, 5% decreased rate of infection and 10% increase in water quality/food nutritional content are attained. These figures will be tested for statistical significance and appropriate error bars determined.
- ii). Provided these minimum standards of effectiveness are met, the DOJ will appoint an official Prison Reform Officer (PRO) and begin to integrate these systems on a wider scale, perhaps working up levels of security.

iv). *Standards and Criteria Setting*: Goals from the previous phase may be adjusted to scale this project effectively based on continued data collection from the new phase of the project. Goals may also be adjusted for specific prisons, each of which will have to publish a report

iii). *Goal Setting and Attainment*: The Prison Reform Officer will publish annual reports on the effectiveness of the whole program, as well as reports after individual visits to each prison. Prisons will also self-report their figures. Visits by the PRO will be randomized to incentivize effective operation by the prisons. Prison standards will be expected to meet a yearly forecast goal. Failure to meet this goal for over three years will result in changing of prison staff. The goals after the first two years will be set at the discretion of the PRO.

This plan of implementation should allow the policy to be kept largely insulated from partisan politics.

Works Cited

- [1] <https://malegislature.gov/Bills/192/S2030>
- [2] <https://www.congress.gov/bill/116th-congress/senate-bill/2146>
- [3] <https://www.corrections1.com/jail-management/articles/the-3-most-crowded-state-prison-system-s-in-america-ziMZ6do3S3tc47Sq/>
- [4] <https://www.theatlantic.com/health/archive/2017/12/prison-food-sickness-america/549179/>
- [5] <https://www.healthaffairs.org/doi/10.1377/hpb20210928.343531>
- [6] <https://www.ojp.gov/ncjrs/virtual-library/abstracts/prison-literacy-connection>
- [7] <https://www.newsnationnow.com/solutions/a-prisoners-perspective-can-increase-support-for-reform/>
- [8] <https://caselaw.findlaw.com/us-supreme-court/378/546.html>
- [9] <https://www.prisonpolicy.org/scans/vera/european-american-prison-report-v3.pdf>
- [10] <https://www.bop.gov/inmates/fsa/overview.jsp>
- [11] https://www.bop.gov/about/agency/agency_pillars.jsp
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