

## Cruel and Unusual Punishment

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The Eighth Amendment states that the federal government must refrain from inflicting unreasonable bail, fines, or cruel and unusual punishment on American citizens. However, that does not seem to protect all Americans. The inhumane treatment of carceral residents for their crimes is unfair. Residents who have been incarcerated for many years know the type of punishment they go through. In many cases, while residents are in prison or jail, their eighth amendment rights are questioned. The unhealthy habits of what the meaning of cruel and unusual punishment in regards to the prison residents are in, how dirty their cells are, along with how they are treated inside the prison.

The eighth amendment is a big part of our bill of rights. The fact is that there has to be a bill that states no excessive punishment for prison/jail residents. Although excessive punishment has changed, the use of the electric chair is considered cruel and unusual punishment in some states. To have the mentally ill locked up for hours on end because of the safety of others. However, because the eighth amendment is broad, it gives officers and others involved the authority to determine what is considered cruel and unusual, thus the treatment of not having clean cells, which allows small animals such as roaches or mice to enter the facility or bathrooms, and not having the privilege to properly clean yourself due to the limited products provided to residents. In a way, residents are objectified because of this. However, focusing on prisons, one prison system I want to focus on is Alabama. Not only are the Alabama prisons overcrowded with 946 prisoners for every 100,000 (Kunzi), but the lack of safety and violence is alarming. Guards at the prisons aren't any better at controlling the situation, not only in not trying to protect themselves from getting physically harmed, but the residents living in the prisons trying to live out their sentences.

The American Civil Liberties Union believes that violence, overcrowding, and other threats to health and safety are considered inhumane (Kunzi). This goes back to guards caring about what happens to residents, but that's what they deal with daily. To continue, another form of cruel and unusual punishment, residents deal with is the cells of the prison. One specific example that is important to focus on is the cells within North Carolina prisons. The way North Carolina's prison system is set up is outdated, according to NC Policy Watch (Woollard). Specifically, solitary confinement is overused in North Carolina prisons. As many as 3,000 people are held in solitary confinement, and out of the 3,000 the majority are people that struggle with mental health, which is considered cruel and unusual punishment. Having the number of residents in solitary can also affect people that don't suffer from mental health to be later on diagnosed with depression and paranoia. Which implies having to spend more money on medication and other products to make them feel stable. To go into more detail, of those who spend time in solitary, up to 75% of residents are people of color. When it comes time to the end of their sentence, having the

residents go out into the world where they just spent the last maybe 10 plus years in a box the size of a parking space, with no human contact and no time to readjust to having people around them. Of those who have been released, the effects of being locked up with no human contact are likely to die within the first year of their release or commit suicide (Woollard). The NC Policy Watch article also stated that North Carolina needs to have a goal of becoming more advanced than what it is now with reform in the system, as stated in the article. On another note, in keeping with the topic of prisons and jails, the conditions that some prisons are described as are horrific to imagine. One example by the Los Angeles Times described some specific cells having the smell of urine and mold water because of a broken pipe right under. With prisons being over capacity, officers put four residents inside a cell while it's intended for two people. Having four people in a cell with no place to move when there are supposed to be only two per cell would be considered cruel. Imagine the sinks and toilets being used every time and if it breaks, then the officers have no intention of fixing it or cleaning up the mess. Also, the caution all cellmates have to have since infections and diseases are at high risk of being transmitted, and having four people in one room is no exception. Now, with COVID-19, officers have to be precautious about what they bring in for the safety of the prison.

Cruel and unusual punishment is meant to keep residents in check while they are serving out their sentences. Though some officers treat them as if they don't have basic rights while incarcerated, they do have the right to bathe themselves and have a right to even eat. The result of all of these points is easy, to have every resident treated with respect and dignity. It goes by the saying if you want respect you have to show it back. Also, in regards to having a clean prison, a result could be first not having multiple people in one cell because of the lack of room and the lack of hygiene. This leads to having some space for residents sharing a cell, which also leads to having less damage done while inside their cell. Though many jails are over capacity the possibility is that many are serving long sentences for minor crimes. There are always alternatives other than prison. The points made could be an alternative to having a safer environment in and outside of the prison and also having the important necessities to take care of a resident. There are sometimes matters like therapy to help with the coping of being in jail.

However, these suggestions mean a bigger budget for the prison system which they do not have. As stated before, the eighth amendment does keep from having excessive punishment or fines inflicted. The cruel and unusual punishment residents go through are sometimes unnecessary. What can be done to soften the punishment is to sign petitions to have the increase of a budget or, write a letter explaining why you believe cruel punishment should be softened. As stated before, the budget that the Bureau of Prisons has is not enough if prisons have trouble with overcrowding along with what it takes to take care of someone in prison.

## References

Kunzi, Rachel. "Cruel and Unusual Punishment in America's Prisons." *DU Clarion*, 15 Apr. 2019, <https://duclarion.com/2019/04/cruel-and-unusual-punishment-in-americas-prisons/>.

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