

# Topic: Resolved: The primary objective of the United States criminal justice system ought to be rehabilitation.

**Overview:** The United States has one of the most extensive prison systems in the world, with nearly two million people being held in confinement in federal and state prisons, local jails, and other correctional facilities. While the total prison population has decreased in recent years, the number of people in the U.S. who are incarcerated continues to outpace other countries. As people continue to be convicted of crimes and imprisoned, advocates have questioned whether the prison system is serving its purpose of keeping people safe. A recent book by a former editor of the New York Times and an advocate for criminal justice reform has looked at how the focus on punishing people rather than helping prevent future crimes has led to an increasingly larger prison system that does not actually improve public safety.

The American public expects the penal system to deliver a punished and rehabilitated ex-offender to the streets. However, it is virtually impossible to create an environment in which punishment is inflicted on the inmates while, at the same time, the social values and goals advanced by that institution are accepted and internalized by them. These two missions work against each other and, in effect, result in more dollars being spent on a correctional system which has a decreasing success rate. The search for answers begins with an analysis of our present system and the objectives we, as a society, have established for that system.

Additional Resources:

<https://www.apa.org/monitor/julaug03/rehab>

<https://jerrengan.medium.com/the-dilemma-between-punishment-and-rehabilitation-edd19fcb54bc>

<https://www.unodc.org/e4j/en/crime-prevention-criminal-justice/module-7/key-issues/2--justifying-punishment-in-the-community.html>

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9034978/>

<https://cjustjobs.com/punishment-vs-rehabilitation-in-the-criminal-justice-system/>



# Pro

**We stand in affirmation of the following:**

The primary objective of the United States criminal justice system ought to be rehabilitation.

## Definitions

### **Rehabilitation**

#### **Oxford Dictionary**

Oxford Dictionary, Definition of Rehabilitation, Oxford Dictionary,  
([https://www.google.com/search?sca\\_esv=54b6785aa301342b&q=rehabilitation&si=AKbGX\\_plOwDP0zNrKp9MfsWGLhHNDZ6vtmW2GJuF8qKODiW53n73E0rPmEqc8JZhA-YNx\\_boScrLddw--pJ2CzHf0hK8aZyKbIY8xXQWVe6qFYBctCtKcz8%3D&expnd=1&sa=X&ved=2ahUKEwj63pXB2qaEAXVZOUQIHUvbAPQQ2v4IegQIDhAY&biw=1366&bih=599](https://www.google.com/search?sca_esv=54b6785aa301342b&q=rehabilitation&si=AKbGX_plOwDP0zNrKp9MfsWGLhHNDZ6vtmW2GJuF8qKODiW53n73E0rPmEqc8JZhA-YNx_boScrLddw--pJ2CzHf0hK8aZyKbIY8xXQWVe6qFYBctCtKcz8%3D&expnd=1&sa=X&ved=2ahUKEwj63pXB2qaEAXVZOUQIHUvbAPQQ2v4IegQIDhAY&biw=1366&bih=599))

The action of restoring someone to health or normal life through training and therapy after imprisonment, addiction, or illness.

## Framework

### **Cost Benefit Analysis**

The framework should be cost benefit analysis. If we, the pro side of the debate, prove that prioritizing rehabilitation in the American Criminal Justice system has more benefits than costs, we win the debate.

**CBA is the best way to decide if an action is worth pursuing**

## Hayes 2022

Adam Hayes is a financial writer with 15+ years Wall Street experience as a derivatives trader. “What Is Cost-Benefit Analysis, How Is it Used, What Are its Pros and Cons?” Investopedia, 11-4-2022 (<https://www.investopedia.com/terms/c/cost-benefitanalysis.asp>)

A cost-benefit analysis is a systematic process that businesses use to analyze which decisions to make and which to forgo. The cost-benefit analyst sums the potential rewards expected from a situation or action and then subtracts the total costs associated with taking that action. Some consultants or analysts also build models to assign a dollar value on intangible items, such as the benefits and costs associated with living in a certain town.

## Contention 1: Recidivism reduction

### **Punitive measures on crime were based on flawed research; rehabilitation works**

#### Davidson 2022

Skylar Davidson, “Preventing Crime Through Rehabilitation” ACE, 10-28-2022. (<https://ace-usa.org/blog/research/research-criminaljustice/preventing-crime-through-rehabilitation/>)

In 1974 when Robert Martinson released his paper titled, “What Works? – Questions and answers about Prison Reform,” more commonly referred to as “The Martinson Report.” Between the years of 1960 and 1975, reported rates of robbery, aggravated assault, rape, and homicide increased by 263%, and property crime rates, specifically burglaries, increased by 200%. Crime was at an all time high in the United States, which led sociologists like Martinson to explore the effectiveness of rehabilitation as a form of crime prevention in America.

The Martinson Report, along with the overall agreement of policymakers and academics, culminated in the decline of the Rehabilitative Ideal and the rise of “new punitiveness.” As a result, the United State’s current criminal justice system is more punitive, where incapacitation is the most common form of crime prevention in US policy, rather than rehabilitation.

Although Martinson later retracted many of his conclusions regarding rehabilitation programs, and his original report was found to include major methodological flaws, the academic community and policymakers embraced his views on rehabilitation as a form of crime prevention. Contemporary research demonstrates that rehabilitation programs reduce recidivism by about 10%. The risk-need-responsivity (RNR) model uses risk assessment tools to provide rehabilitative treatment to individuals with the highest risk of committing another crime. In a study focusing on the effects of RNR efforts on Ohio’s halfway house programs, the recidivism rate of high-risk individuals lowered by 20%. The Boston Reentry Initiative (BRI) serves as an example of how community partnerships can also reduce recidivism. The BRI provides a family member or mentor to meet each released person when they leave prison, and researchers found that participants had a rearrest rate 30% lower than the control group. Rehabilitation

has the capacity to lower recidivism rates when policymakers invest in mental health care, personalized education plans for individuals in prison, and ensuring that individuals leaving prison have job opportunities. People in prison who participate in education programs have a 43% lower chance of returning to prison than those who do not, and individuals who have a job when they are in prison are 24% less likely to recidivate.

More than 600,000 individuals are released from state and federal prisons every year, but within three years of their release, two out of three individuals are rearrested. Because one in three African-American men are imprisoned throughout their lifetime, compared to one in six Latino men and one in seventeen White men, rehabilitative measures, rather than deterrence or incapacitation, have the greatest potential to reduce the mass incarceration of people of color in the United States. However, rehabilitation programs, specifically during the peak of US Rehabilitative Ideal policymaking, were reserved for individuals deemed capable of reform by policymakers who mostly prioritize white people. As a result, any early sociological studies of prisons do not include people of color in prison, which means the impact of rehabilitation as a form of crime prevention on people of color was, and still is, largely unexamined.

## **Incarceration increases recidivism; rehabilitation lowers it**

### **Cruz 2022**

Jamie Santa Cruz, "Rethinking prison as a deterrent to future crime" Knowable Magazine Annual Reviews, 7-13-2022, (<https://knowablemagazine.org/content/article/society/2022/rethinking-prison-deterrent-future-crime>)

"A society that is lenient and permissive for criminals," he said, "is a society that is neither safe nor secure for innocent men and women." Nixon's sentiments were early signs of a new "tough on crime" mentality that took hold in the United States during the 1970s. In the decades since, many policymakers have pushed harsher penalties and mandatory minimum sentences in the belief that swift and certain punishment is key to public safety. This mentality has contributed to America's sky-high rates of incarceration: The US has more people per capita behind bars than any nation in the world — almost 2 million people at present.

And while imprisonment may well provide punishment and sequester criminals away from public life for a time, that may be all it does: A large body of research finds that spending time in prison or jail doesn't lower the risk that someone will offend again. In some instances, it actually raises the likelihood that they will commit future crimes.

In 2021, a much larger analysis of 116 studies reached a similar conclusion: Spending time behind bars either didn't affect a person's future crime risk or slightly increased it, compared with people who received a sentence that didn't involve imprisonment. That finding held true for men and women, young people and adults, people who served time in county jails and those housed in state prisons. In no situation did time behind bars reduce a criminal's risk of future crime, Damon Petrich of the University of Cincinnati reported in the journal Crime & Justice.

He and a growing number of other reform advocates point to rehabilitation in place of punitive sentences, a strategy that is proving successful in other countries. In Norway, for example, rehabilitation — through high school or university education courses, meaningful work opportunities, drug rehabilitation, exercise, art programs and social welfare services — is a key component of life behind bars. A recent study found that spending time behind bars in a Norwegian prison reduces the risk that a criminal will commit future crime by 29 percent.

Many other studies outside of Norway in the last few decades, probing programs from education and work skills to group counseling and drug treatment, have found that rehabilitation programs are quite effective at reducing a prisoner's risk of future crime. For example, several studies have looked at the effects of educational and vocational programs and have found that they can reduce recidivism by 10 percent or more. Others have examined drug treatment programs and have found reductions in recidivism of 14 percent or more.

Cognitive-behavioral programs, which use individual or group therapy to help people learn to change the thinking patterns that result in destructive or criminal behaviors, appear to be the most effective of all. A study reviewing a range of rehabilitation strategies found that cognitive-behavioral programs in prisons consistently reduce recidivism by 15 percent or more, with some leading to reductions of closer to 30 percent.

It can be tempting to look at the failures of American jails and prisons and conclude that “prisons don’t work and they can never work,” says Loeffler. But there’s plenty of evidence that they can work — with the right approach.

## **Rehabilitation through treatment is best done by legislative action**

### **Bonta 2022**

James Bonta, “Offender rehabilitation” Public Safety of Canada, 8-2-2022.  
(<https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/ffndr-rhblt/index-en.aspx>)

Enhancing community safety is a major goal of corrections. One way of attaining this goal is to adopt strategies which reduce the offender recidivism. In the 1970s and 1980s there was widespread disillusionment with the effectiveness of treatment programs to reduce recidivism. Today however, recent research demonstrates that some programs can reduce the likelihood of offenders returning to crime.

Appropriate treatments were found to reduce recidivism an average of 50% compared to inappropriate treatments. These are the programs that systematically assess offender risk and needs with objective instruments, target the criminogenic needs of offenders in treatment and use cognitive-behavioral approaches to influence behaviour. Programs categorized as inappropriate, for example, intensive programs that dealt with low risk offenders and targeted non-criminogenic needs such as self-esteem demonstrated no reductions in recidivism. Inappropriate treatments were actually associated with slight increases in recidivism.

A similar pattern of results was found for criminal justice sanctions. That is, more severe sanctions did not reduce re-offending but increased recidivism. Further, an analysis of specific types of sanctions found no one type of sanction particularly effective in reducing recidivism. Regardless of whether the offenders were subjected to longer prison sentences, boot camps, random drug testing, and the like, none showed reductions in recidivism approaching the results found with appropriate offender rehabilitation programs.

## **Contention 2: Mental Health**

**People in prison mostly have an untreated mental health issue(s) the current system only worsens**

### **Gent 2018**

Owen Gent, “Why So Few Federal Prisoners Get The Mental Health Care They Need” Marshall Project, 11-21-2018. (<https://www.themarshallproject.org/2018/11/21/treatment-denied-the-mental-health-crisis-in-federal-prisons>)

In 2014, amid mounting criticism and legal pressure, the Federal Bureau of Prisons imposed a new policy promising better care and oversight for inmates with mental-health issues. But data obtained by The Marshall Project through a Freedom of Information Act request shows that instead of expanding treatment, the bureau has lowered the number of inmates designated for higher care levels by more than 35 percent. Increasingly, prison staff are determining that prisoners—some with long histories of psychiatric problems—don’t require any routine care at all.

Federal prison data obtained and analyzed by The Marshall Project show that more inmates are turning to self-harm, although numbers vary by facility. The combined number of suicides, suicide attempts and self-inflicted injuries have increased 18 percent from 2015—when the bureau began tracking such figures—through 2017.

Untreated mental illness can also contribute to prison violence. While the vast majority of people with a mental illness are not violent, research compiled in recent years shows that people with serious psychotic disorders, especially when untreated, can be more likely to commit a violent crime.

Data analyzed by The Marshall Project shows that the average monthly rate of assault across all federal prisons increased 16 percent from 2015 to 2016, the last full year available. Most of those incidents were not classified as serious assaults—defined by the bureau as likely to cause death or serious injury—which have declined in recent years, even before the mental-health policy change in 2014. In several recent in-prison homicides, records suggest that either the alleged attacker or victim wasn’t getting needed treatment.

## **The punishment, “nothing works” ideology destroys any chance of rehabilitation reform**

### **Damiano 2019**

Justine Damiano, “Mental Health Behind Bars: Treatment and Rehabilitation in the Criminal Justice System” Magellan TV, 8-11-2019. (<https://www.magellantv.com/articles/mental-health-behind-bars-treatment-and-rehabilitation-in-the-criminal-justice-system>)

For starters, there is an unavoidable need for more resources within the criminal justice system. It’s not simple though. Right now, lack of funds and staffing cause mental health professionals to be spread thin, and they often have to take responsibility for duties outside their core job descriptions. Fortunately, some specialists are speaking out in order to raise awareness of this crisis. In an interview with the Washington Post, Russ Wood, a psychologist in federal prisons, said, “The psychologists were getting pulled off to work gun towers and do prisoner escorts. We’re not really devoted to treating.”

Adding trained staff and access to medication requires more money, which is often difficult to obtain. If we could dedicate more funds and resources to helping inmates with mental health issues, rehabilitation programs would be more effective. And improving those programs would ensure that individuals would be more likely to be re-integrated into society instead of ending up back in jail. About 50 percent of people released from prison re-enter within three years – a phenomenon labeled as “recycling” by the Journal of the American Academy of Psychiatry and the Law. A common cause for this pattern of recidivism is the lack of treatment and rehabilitation in the community.

Adequate resources within jails and prisons aren’t the only thing to focus on. It’s important also to allocate funds to rehabilitation outside of prison walls. If we make sure that adequate resources are available, we can reduce the number of people who end up back in jail, ultimately saving money and resources in the long run.

While a distressingly large proportion of mentally ill Americans spend time in jail or prison, rather than receiving appropriate care in other settings, there are effective alternatives. For a look at the lives of people with serious mental disorders who aren’t incarcerated in a regular prison setting, check out Unit of Difficult Patients: What Future for the Criminally Insane?. The documentary focuses on how other countries are treating mental health issues without overdependence on their criminal justice systems. For example, the film takes us into a special unit of a French psychiatric hospital to witness how a different type of treatment may provide long-lasting results in rehabilitation and reentry into society.

## **Contention 3: Too Costly**

### **Rehabilitation saves money compared to current system**



## Newton 2024

David W. Newton, "Drug Rehab Instead of Prison Could Save Billions" Arlington National Cemetery, 2-13-2024. (<https://www.arlingtoncemetery.net/health/treatment/drug-rehab-instead-of-prison-could-save-billions-says-report-2/>)

Research has found that sending offenders with the history of drug and alcohol abuse to addiction treatment programs rather than institutionalizing them in jail or prison is not only the humanitarian choice, but it will cut crime rates and save billions of dollars in a time when the federal government has a debt in the trillions, it seems unethical to ignore the benefits and cost savings of helping people get the medical care they need rather than incarceration that will only worsen everyone's problems.

As with any investment in a worthy cause, the return on investing in mental health and recovery wellness will increase over the years. Initial drug treatment is less expensive than incarceration. Cost related to incarceration or cut because people who are in recovery are less likely to commit expensive crimes or be arrested again. Because the long-term health of each individual will be improved, the cost of healthcare for uninsured patients will drastically be reduced. The cost of law-enforcement and court costs will be cut when crime rates and arrests drop.

If only 10% of drug addicted offenders receive drug rehabilitation instead of jail time the criminal justice system would save \$4.8 billion compared to current cost. If 40% of addicted offenders receive treatment instead of jail those savings would rise to \$12.9 billion

## **A rehabilitation system that everyone can get access too, leads to increased savings**

### SLRC 2023

Sana Lake Recovery Center, "Cost Of Rehabilitation Vs Incarceration" 2023, Sana Lake Recovery Center <https://sanalake.com/addiction-resources/drug-treatment-vs-incarceration/>

While the Federal Bureau of Prisons proves that well-designed and implemented prison addiction programs have excellent results, only around 11 percent of prisoners actually receive treatment. Together the benefits of drug treatment vs. incarceration provide significant safety and economic benefits to society. Sometimes entering into drug treatment vs. incarceration allows you to be exempt from a guilty plea and may even prevent a conviction on your record. However, in some cases choosing rehab may require a guilty plea to the crime.

Statistics indicate there are numerous advantages of sending someone to drug treatment vs. incarceration. In fact, if 10 to 15 percent of those convicted of drug-related charges were sent to drug treatment, it would save society \$48 billion a year.

In addition, studies continue to show that drug rehab more effectively boosts trade than creating new businesses. This is based on the proof that almost 75 percent of prisoners re-offend once released. This is compared to about 57 percent of those who attend drug rehab. Moreover, drug and alcohol misuse is often correlated with criminal activities. For example, studies show a person struggling with opioid use disorder (OUD) typically commits 63 crimes a year.

## **Treating a person for mental/drug issues costs significantly less than incarceration**

### **Owens 2021**

Stephen Owens, "Prioritizing Prison over Substance Use Treatment Costs" The Council of State Governments Justice Center, 2-25-2021. (<https://csgjusticecenter.org/2021/02/25/prioritizing-prison-over-substance-use-treatment-costs-kansans-safety-and-money/>)

Research consistently shows that community-based treatment can reduce drug use and drug-related criminal behavior. While a prison sentence for a drug offense cost \$26,188 in 2019, a sentence to existing treatment cost just \$3,143. The bottom line: Not only is treatment a more cost-effective use of taxpayer dollars than prison, but it works. Prioritizing treatment instead of prison is key to ensuring healthy and safe Kansas communities, but it's only part of the equation. We need to give judges and probation and parole officers more support when it comes to helping people change their behavior by pursuing evidence-based supervision practices. We also need to help people returning home from prison access employment, food assistance, housing and education so they can maintain drug-free lives.

In North Carolina, lawmakers lowered sentence lengths for probation and parole violations while bolstering access to treatment and giving community supervision officers more flexibility to help people with addictions. As a result, the state saw a 25% drop in prison admissions for supervision violations, subsequently averting more than \$543 million in taxpayer costs. The state was able to close 11 small prisons and reinvest savings in 175 additional probation and parole officers, strengthening the community supervision system and improving outcomes across the board. Meanwhile, reported crime in the state declined 29 percent from 2011 to 2019.

States like North Carolina realized that it's fiscally irresponsible to waste millions keeping people incarcerated for low-level offenses or violations when prison beds should be prioritized for people who commit the most serious crimes. Kansas can do the same. Passing these bills will give people the tools they need to become productive, law-abiding members of our communities while relieving the burden on our taxpayers.

## **Extensions: Reduces Recidivism**

### **Rehabilitation helps reduce likelihood of crime and allows for reintegration to society**

#### **Lebbie 2021**

Kumba Hannah Lebbie, "An Examination of the Relationship between Rehabilitation and Recidivism" St. Cloud State University, August 2021.

([https://repository.stcloudstate.edu/cgi/viewcontent.cgi?article=1021&context=cjs\\_etds](https://repository.stcloudstate.edu/cgi/viewcontent.cgi?article=1021&context=cjs_etds))

The relationship between rehabilitation and recidivism was a topic of concern due to increased criminal offenses despite the criminal justice system's effectiveness. The increase in recidivism rates encouraged the establishment of criminal rehabilitation programs, which have received tremendous support because they allow lawbreakers to separate themselves from environmental factors that made them offenders. Various studies examined how rehabilitation can minimize recidivism rates by focusing on the punishment phase of the criminal justice system. However, recidivism can be encouraged by all phases of the criminal justice system, such as apprehending and adjudicating an offender. Crucially, the criminal justice system comprises distinct steps which can affect the offender, leading to recidivism. The phases include arrest, initial appearance, hearings, arraignment, pleas, jury selection, and trial. All these phases are followed to ensure that justice is served and the right person is convicted of the alleged crime. Undeniably, the process can have mental and cognitive impacts on the offender, especially when wrongly convicted. As a result, there are high chances of repeating the crime after release. The process of reintegrating released inmates into society is one of the goals of the criminal justice system. Further, the prison population is increasing due to high rates of recidivism. Therefore, this indicates that the law offenders have not adequately been equipped with skills for life after prison sentences. As a result, such justifications provided the need to explore the effects of rehabilitation programs in reducing recidivism based on previous studies while ensuring that sensible measures can be recommended to minimize the growing rate of crimes.

Rehabilitation programs aim at enhancing job-seeking skills, which equip the inmate with job search techniques and job readiness. The employment programs should be six to seven months before releasing an inmate to increase an effective transition back to the community (Taylor, 2017). There are also drug abuse treatment programs that focus on aiding law offenders to treat drug abuse. The treatment is used to avoid relapse and therefore leading to successful reintegration into a community. Crucially, education classes include adult basic education programs. After the course, the inmate is issued a General Education Development certificate, high school certificate, and various college certificates (Taylor, 2017). The state law indicates that law offenders must low literacy scores to attend the education programs.

## **Extensions: Mental Health**

**In prison and out of prison treatment significantly impacts recidivism; rehabilitation helps best**

### **Wallace 2020**

Danielle Wallace, "Does in-prison physical and mental health impact recidivism?" PubMed 8-11-2020. (<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7113431/>)

Incarceration has a number of collateral consequences, including damage to personal health. In this study, we ask if recidivism be seen as a collateral consequence of in-prison health. While a significant body of work exists showing a clear relationship between incarceration and poor health little research

has linked health—whether good or bad—with recidivism. As we demonstrate, in-prison and post-release health are related to recidivism, though in different ways for physical and mental health. We find that better physical health while in prison as well as gains in physical health post-release are associated with a higher odds of recidivating in general. For mental health, conversely, better health in prison is related to lower recidivism odds outside of prison. Moreover, when individuals make significant improvements on their in-prison mental health once released, their likelihood of recidivating drops even lower. When looking at the different types of recidivism, mental health—whether in prison or changes post-release—is not associated with recidivism due to technical violations or new convictions differently. Below we contextualize our results and discuss the limitations of our study and the ramifications of our findings.

In this research, we argued that the relationship between incarceration, in-prison health, and recidivism was related to thinking about personal health as a stressor, which can lead to deviant means of coping with stress. We find support for this link, but only for in-prison and post-release mental health. Individuals with worse mental health are known to be more likely to recidivate. Skeem and Louden (2006) discuss the direct and indirect reasons for high rates of recidivism among formerly incarcerated individuals who are mentally ill. Direct reasons for recidivism include criminal behavior during active psychosis or illegal drug use, for example. Approximately 75% of individuals who have been incarcerated and have a mental illness also have substance abuse problems. Importantly, the use of illicit drugs often makes the symptoms of mental illness, particularly psychosis, more pronounced. Indirect reasons for recidivism include the inability to comply with parole requirements such as working or education due to impairment by mental illness, higher rates of criminal victimization which brings out contact with the criminal justice system, and individuals with mental illness tending to be more closely monitored by agents of the criminal justice system, such as the police or parole officers. Reducing recidivism among individuals with mental illness is predicated on both treating the mental illness and substance abuse disorder (if needed) while simultaneously understanding that parole failure may be related to health needs, rather than criminality.

## **Rehabilitation better treats drug addiction**

### **Gilmore 2023**

Joe Gilmore, “Why Rehab Is Better for Addicts than Jail” Renaissance Recovery, 12-7-2023.  
(<https://www.renaissancerecovery.com/why-rehab-is-better-for-addicts-than-jail/>)

When someone with alcohol use disorder or substance use disorder enters a treatment facility, they can engage with holistic treatment addressing their body, mind, and spirit, as well as evidence-based treatments for addiction. This creates the most stable foundation for sustained recovery.

Incarceration, by contrast, is primarily punitive rather than rehabilitative. While those with substance use disorders will have access to treatment, this will not be comparable to the treatment delivered in a

residential rehab center. The core purpose of incarceration is to punish someone for breaking laws rather than ensuring they become a productive and functioning member of society upon release.

Someone is arrested every 25 seconds for drug possession in the United States. The total number of arrests for drug possession has tripled in the US since 1980. By 2015, this had peaked at 1.3 million annual arrests for drug possession, amounting to six times the total number of arrests for drug sales.

Of all those incarcerated, 20% of the prison population is serving time for drug charges. Over 1 million more adults are on parole and probation for drug-related offenses. Overdose is the leading cause of death among those recently released from jail. In the first fortnight after release, ex-inmates are 13 times more likely than those in the general population to die. When people are incarcerated for drug-related offenses, this has been shown to have little effect on rates of substance misuse. Paradoxically, incarceration also does little to improve public safety. Although crime rates have been trending downward since 1990, researchers attribute 75% to 100% of these reductions to factors beyond incarceration. It is believed that between 30% and 50% of all acquisitive crime is related to illegal drug abuse. Beyond this, though, drugs and crime are linked in more ways than you first imagine.

If only 10% of drug offenders were treated for addiction instead of being incarcerated, this could save \$4.8 billion annually.

## **Extensions: Too costly**

### **Money is saved in the long run with rehabilitation**

#### **Heuring 2015**

Steven W. Heuring, "Punish or rehab? Look at the costs" 5-20-2015, Lompoc Record. ([https://lompocrecord.com/opinion/commentary/punish-or-rehab-look-at-the-costs/article\\_ec044beb-2ce5-5965-ab57-baa4bde7fb42.html](https://lompocrecord.com/opinion/commentary/punish-or-rehab-look-at-the-costs/article_ec044beb-2ce5-5965-ab57-baa4bde7fb42.html))

Even though a person pays their debt to society and is released from prison, they are not typically fully welcomed back into society. However, if it is the latter, what should we offer the inmate in terms of counseling, education and training to ensure they have the vocational and social skills to succeed? What about transitional job programs to help them get started? Should we not insist on removing arbitrary employment barriers based on unfounded fears?

The cost of recidivism is really a matter of "pay me now" or "pay me lots more latter," or even "you'll never stop paying me." To determine the cost of keeping someone in prison for a year depends on what you want to include in the calculus. Estimates range between \$30,000 to over \$100,00 per inmate. But

even if it were the lesser amount, why would we want to keep on paying it if you had a way to avoid that cost?

According to the Justice Policy Institute's "Substance Abuse Treatment and Public Safety," "Substance-involved people have come to compose a large portion of the prison population. Treatment delivered in the community is one of the most cost-effective ways to prevent such crimes, and costs approximately \$20,000 less than incarceration per person per year. A study by the Washington State Institute for Public Policy found that every dollar spent on drug treatment in the community yields over \$18 in cost savings related to crime. In comparison, prisons only yield 37 cents in public safety benefit per dollar spent. Releasing people to supervision and making treatment accessible is an effective way of reducing problematic drug use, reducing crime associated with drug use, and reducing the number of people in prison."

With the cost of recidivism in mind, the next time you hear of our elected officials threatening to reduce funding for much-needed social services to include school programs, take another look at the price tag for that proposed new North County Jail.

# Neg

**We stand in negation of the following:**

The primary objective of the United States criminal justice system ought to be rehabilitation.

## Framework

### **Cost Benefit Analysis**

The framework should be cost benefit analysis. If we, the neg side of the debate, prove the primary objective of the United States Criminal justice system of rehabilitation is more costly compared to the benefits, we win the debate.

### **CBA is the best way to decide if an action is worth pursuing**

#### **Hayes 2022**

Adam Hayes is a financial writer with 15+ years Wall Street experience as a derivatives trader. "What Is Cost-Benefit Analysis, How Is it Used, What Are its Pros and Cons?" Investopedia, 11-4-2022 (<https://www.investopedia.com/terms/c/cost-benefitanalysis.asp>)

A cost-benefit analysis is a systematic process that businesses use to analyze which decisions to make and which to forgo. The cost-benefit analyst sums the potential rewards expected from a situation or action and then subtracts the total costs associated with taking that action. Some consultants or analysts also build models to assign a dollar value on intangible items, such as the benefits and costs associated with living in a certain town.

## **Contention 1: Rehabilitation doesn't work**

**Rehabilitation and reduction in crime has no statistically significant relationship**

## Taylor 2019

Daine Taylor, "Prisoner rehabilitation does not work, says former prisons boss" The Guardian, 10-29-2019. (<https://www.theguardian.com/society/2019/oct/29/prisoner-rehabilitation-does-not-work-says-former-prisons-boss>)

A former director general of the Prison Service has said rehabilitation of offenders in jail does not work and should be scrapped. Sir Martin Narey will say in a speech on Tuesday that research to establish a causal link between rehabilitation and reduced reoffending is lacking and short courses cannot fix problems caused by difficult childhoods.

"The things we did to prisoners, the courses we put them on, the involvement of charities, made little or no difference," he will tell the International Corrections and Prisons Association conference in Buenos Aires.

Instead, the best the prison estate can offer prisoners is an environment where they are treated with "decency and dignity", he will say. "Decent prisons in which prisoners are respected seem to provide a foundation for prisoner self-growth. Indecent, unsafe prisons allow no such growth and further damage those who have to survive there."

A Prison Reform Trust briefing based on government statistics shows that reoffending rates overall are at about 50%. A House of Lords briefing in 2017 said that despite various rehabilitation initiatives in prison, reoffending rates remained too high.

Mark Leech, the editor of Prison Oracle, welcomed Narey's comments. He said: "Expecting our prisons to reform those we throw into them from high-crime inner-city housing estates, with their school exclusions, unemployment, poor opportunities, poor parenting and where gangs, guns, drugs, alcohol, violence and crime are embedded, is an impossible ask when the living experience in so many jails is one of disrespect and often abuse, violence and filth. It's like asking an A&E department to reduce accidents and then blaming the doctors when car crashes increase."

## **Petty Crime such as drug offenses causing mass incarceration will not change with rehabilitation**

### Gruman 2019

Schneider, F.W, Gruman, "Why Rehabilitation Does Not Work in America" Pennsylvania State University, 3-2-2019. (<https://sites.psu.edu/aspsy/2019/03/02/why-rehabilitation-does-not-work-in-america/>)

Now back to the original question—are the rehabilitation programs they are receiving effective? The short answer is no. When comparing prison reform to other countries around the world, America falls short and there are several reasons why. VERA: Institute of Justice's report titled, "Sentencing and Prison Practices in Germany and the Netherlands; Implications for the United States" found that there were several issues with the approaches to prison reform in America. The first problem being the imprisonment of criminals. The American prison population has increased by 700 percent in the last 40



years, but not only that it has cost the state corrections expenditures about \$53.5 billion in 2012 (Subramanian & Shames, 2013). It was furthermore found that mass incarceration and increased investment in corrections did not bring better safety in return.

There are several reasons to this; first being that Americans are being sentenced for “petty” crimes such as drug offenses or theft. They can even get imprisoned for life for such crimes, whereas German and Dutch systems use a different approach. For example, possession of drugs won’t get you imprisoned, but they focus on bigger crimes such as drug trafficking, and if the individual who is involved with drug trafficking is addicted to drug, they can access detoxification or substitution therapy or needle exchange programs, which are lacking in American prisons and should be implemented.

## **Prisons cannot rehabilitate**

### **Moore 2016**

J.M. Moore, “Prisons cannot be places of rehabilitation” No Publication, 11-10-2016.  
(<https://www.crimeandjustice.org.uk/resources/prisons-cannot-be-places-rehabilitation>)

For the prison to maintain legitimacy requires that its infliction of pain is seen as necessary and beneficial. Whilst the ideologies of retribution and deterrence routinely contribute to this, they are inadequate at times of crisis. The ideology of rehabilitation tends to be deployed to provide a justification that the pain is being inflicted for the benefit of its recipients. Alongside many other examples of prison’s failure, the RSA highlights high reoffending rates. This, it argues, represents prison’s failure to rehabilitate. To remedy this failure, it proposes that government ‘create a rehabilitation requirement’ and impose it on prisons. If only it were that simple! From Fenner Brockway’s observation, in the 1920s, that ‘if reform is to become the principal object, the prison system must be scrapped altogether’, to Frances Crook’s acknowledgement, in 2016, that ‘the idea that we can create a structure that rehabilitates people is flawed’, reformers have acknowledged that prison cannot rehabilitate.

The report offers no new theory of rehabilitation, or indeed practical proposals for achieving it. Ultimately, all it can offer is a belief in the prison system’s ‘potential impact on reducing reoffending’, together with some isolated examples of current initiatives which suggest rehabilitative benefits. These examples are generally on a small scale and generously resourced. Flowers do grow in the desert, particularly if well-watered, but that is no reason to believe deserts are appropriate places for the cultivation of flowers.

What makes A Matter of Conviction particularly depressing is that the RSA is an influential organisation with access to significant resources. It is in a privileged position that allows it to make a difference. By refusing to look outside the criminal justice system, and committing itself so totally to the institution of the prison, its impact is likely to be harmful. In his foreword, the RSA Chief Executive, Matthew Taylor, talks of the RSA’s ‘commitment to social inclusion’ and the ‘need to address the causes of social problems’. The focus in the report on prisons as the solution, and the refusal to examine who is imprisoned, means this initiative ultimately does exactly the opposite.

Prisons are designed to exclude and stigmatise and are used almost exclusively against the poorest, most marginalised and most socially excluded. The RSA initiative has two potential impacts. Firstly, it could improve the experience of some serving prisoners. Secondly, it will help legitimise the prison as an institution and its targeting of the socially excluded for state inflicted pain. The history of prison reform does show that, on occasions, it can have an impact on the daily lives of prisoners. However, despite the humanitarian motivation of reformers, these impacts are not always beneficial.

## **Contention 2: Rehabilitation costs too much**

### **Millions into rehab programs prove ineffective**

#### **Bliss 2019**

Kevin Bliss, “California Prison Rehabilitation Programs Costly and Ineffective” Prison Legal News, 1-31-2019. (<https://www.prisonlegalnews.org/news/2020/jan/7/california-prison-rehabilitation-programs-costly-and-ineffective/>)

A report by the California State Auditor, released on January 31, 2019, found that rehabilitative programs currently offered by the California Department of Corrections and Rehabilitation (CDCR) did not assist in reducing the state’s 50 percent recidivism rate.

The report, requested by the Joint Legislative Audit Committee, evaluated the cost effectiveness of the CDCR’s budget increase of hundreds of millions of dollars since 2011, when criminal justice reforms were enacted to reduce the state’s prison population. The report highlighted problems in enrollment, staffing, curriculum and oversight, and recommended certain corrective actions. The CDCR set goals in 2012 to increase rehabilitative programs in order to reduce recidivism, to comply with a U.S. Supreme Court ruling requiring the state to lower its prison population to a more manageable 137.5 percent of capacity. [See: PLN, July 2011, p.1]. To accomplish this, the California legislature increased the CDCR’s budget by \$64 million over a five-year period.

Intake centers used assessment tools to evaluate each incoming prisoner. Tests of Adult Basic Education (TABE) measure academic achievement, while Correctional Offender Management Profiling for Alternative Sanctions (COMPAS) addresses vocational education and behavioral therapy needs. Priority is given to prisoners who are within five years of their release date and have a moderate to high risk of reoffending. The State Auditor report found the CDCR had done nothing since 2012 to verify the performance of its rehabilitation programs. It said prisoners had not been consistently placed in programs based on their personal assessments; classroom facilities were listed as inadequate, and student enrollment was well below requirements.

Program staffing was insufficient and many of the contracted Cognitive Behavioral Therapy (CBT) vendors were not teaching an evidence-based curriculum. The report also stated the CDCR had not validated its assessment tools for accuracy after 2011 “realignment” legislation altered the prison system’s demographics, increasing the proportion of prisoners with more serious and violent crimes.

Further, 62 percent of prisoners released between July 2017 and June 2018 did not receive sufficient rehabilitative programming.

State Auditor Elaine Howle said in a letter accompanying the report that the issues cited were problematic and costly. “These results are serious enough to highlight an urgent need for Corrections to take a more active and meaningful role in assuring that these programs are effective,” she wrote. “Because the Legislature provided Corrections with a significant budget increase so that it could expand rehabilitation programs to all prisons in the State, it is vital that Corrections demonstrate that the additional investment was worthwhile.”

## **US cannot adopt a rehabilitative prison model**

### **FSA 2022**

First Step Alliance, “Rehabilitation Lessons from Norway's Prison System” First Step Alliance, 1-3-2022. (<https://www.firststepalliance.org/post/norway-prison-system-lessons>)

Could Norway’s approach to criminal punishment work in other countries? That’s a tricky question. Other countries and some states in the U.S. have attempted to copy Norway’s strategy. In fact, North Dakota and Oregon have both implemented prison policies based on visits to Norway.

However, it’s difficult to predict whether Norwegian-style prison policies could succeed in the United States or other western countries. One of the biggest factors that makes Norway’s prison system successful is that the approach has widespread support throughout the population. Norway’s citizens believe deeply that the goal of prison should be to help prisoners succeed after release, not to implement punishment that makes life more difficult.

Another factor is economics. Norway spends \$93,000 each year per prisoner in its system. It may be effective to focus on rehabilitation in prison, but it isn’t cheap. By contrast, the United States spends a third of that amount, \$31,000. How would citizens in other western countries feel about a policy that increases spending 300% and improves living conditions for criminals? It would likely be a divisive proposal in the United States and many other countries.

Norway’s prison system may be different, but it’s clearly effective in terms of crime reduction, economic impact, and rehabilitation. The amenities of Norway’s prisons, like flat screen televisions and yoga classes, get the headlines, but the real key to the strategy is in the underlying philosophy. Prisoners in Norway lose their liberty, but they don’t lose their humanity and dignity. The approach has clearly paid dividends, as Norway has the lowest recidivism rate in the world and one of the lowest crime rates in the world. The country pays a significant amount each year to support each incarcerated individual, but it also has one of the smallest prison populations in the world. Norway ranks fourth-lowest, with 54 people per 100,000 in prison. While Norway provides a roadmap to lower crime for other countries, it’s unclear whether the strategy could be effective elsewhere. Norway’s nationwide support for rehabilitation in prisons is unique and runs counter to the sentiment in many countries that prison is for punishment only. It is encouraging that states like Oregon and North Dakota have sought to learn from

the Norwegian system, but there is much work to be done in the United States and other western countries before they see benefits similar to those in Norway's prison system.

## **Healthcare in prisons is way too costly for a state to handle**

### **Rich 2019**

Davis Rich, "Prison health care costs are higher than ever in Texas; Many point to an aging prison population." Texas Tribune, 11-14-2019. (<https://www.texastribune.org/2019/11/25/texas-prison-health-care-budget-parole/>)

Even though Texas' prison population shrank this decade, the publicly funded costs to treat inmates' medical conditions continue to rise. The state spent over \$750 million on prison health care during the 2019 fiscal year, a 53% increase from seven years earlier, when that cost was less than \$500 million.

The main reason, according to experts and officials: an older, sicker prison population.

While the total prison population declined by 3%, the number of inmates ages 55 and older increased by 65%, according to Texas Department of Criminal Justice data. Inmates over 55 account for about one-eighth of the population but nearly one-half of the system's hospitalization costs, according to prison officials. Nearly 150,000 incarcerated people rely on TDCJ to deliver their health care. Officials say the aging prison population and treatments for expensive diseases like hepatitis, HIV and cancer are driving up costs. Medical costs for the 10 most expensive inmates surpassed \$3.1 million in 2019, according to a TDCJ document.

Cost-saving measures include telemedicine and access to discounted pharmaceutical drugs through a federal program. But experts say systemic change — like paroling more aging inmates and keeping people with mental illness or substance abuse out of prison — is needed to curtail expenses. Texans shouldn't expect costs to come down if the state continues to incarcerate "the same kind of demographics you're sending to prison now," said Owen Murray, vice president for the University of Texas Medical Branch's Correctional Managed Care.

Staffing remains another challenge for university providers. UTMB averages about 300 vacancies among its 3,100 full-time positions, Murray said. Up to a quarter of licensed vocational nurse positions are unstaffed, he said, adding that UTMB uses nursing agencies to fill in the gaps. University providers asked for \$12.3 million last year to provide "market level adjustments" for prison medical staff. But a market level salary may not solve the shortage, according to Murray. "Sometimes paying a market salary doesn't really help us," he said. "We have to pay above market to incentivize people to want to practice in probably what would be seen by the public as a less desirable environment."

## **Contention 3: Social Issues**

## Drug laws are to blame for recidivism and high incarceration

### Taifa 2021

Nkechi Taifa, “Race, Mass Incarceration, and the Disastrous War on Drugs” Brennan Center for Justice, 5-10-2021. (<https://www.brennancenter.org/our-work/analysis-opinion/race-mass-incarceration-and-disastrous-war-drugs>)

I have a long view of the criminal punishment system, having been in the trenches for nearly 40 years as an activist, lobbyist, legislative counsel, legal scholar, and policy analyst. So I was hardly surprised when Richard Nixon’s domestic policy advisor John Ehrlichman revealed in a 1994 interview that the “War on Drugs” had begun as a racially motivated crusade to criminalize Blacks and the anti-war left.

“We knew we couldn’t make it illegal to be either against the war or blacks, but by getting the public to associate the hippies with marijuana and blacks with heroin and then criminalizing them both heavily, we could disrupt those communities. We could arrest their leaders, raid their homes, break up their meetings, and vilify them night after night in the evening news. Did we know we were lying about the drugs? Of course we did,” Ehrlichman said.

In many instances, laws today are facially neutral and do not appear to discriminate intentionally. But the disparate treatment often built into our legal institutions allows discrimination to occur without the need of overt action. These laws look fair but nevertheless have a racially discriminatory impact that is structurally embedded in many police departments, prosecutor’s offices, and courtrooms.

Since the late 1980s, a combination of federal law enforcement policies, prosecutorial practices, and legislation resulted in Black people being disproportionately arrested, convicted, and imprisoned for possession and distribution of crack cocaine. Five grams of crack cocaine — the weight of a couple packs of sugar — was, for sentencing purposes, deemed the equivalent of 500 grams of powder cocaine; both resulted in the same five-year sentence. Although household surveys from the National Institute for Drug Abuse have revealed larger numbers of documented white crack cocaine users, the overwhelming number of arrests nonetheless came from Black communities who were disproportionately impacted by the facially neutral, yet illogically harsh, crack penalties.

## Education reduces recidivism

### Steib 2022

Syrita Steib, “Why Access to Education Is Key to Dismantling Mass Incarceration” Non-Profit News Nonprofit Quarterly, 10-19-2022. (<https://nonprofitquarterly.org/why-access-to-education-is-key-to-dismantling-mass-incarceration/>)

We know that there's an inverse relationship between recidivism and education. A Texas study found that while systemwide recidivism was 43.3 percent, for people who achieved a bachelor's degree, that rate fell to 5.6 percent, and for those with master's degrees, it was less than one percent. The Center for Prison Education, reporting national figures, estimates that taking college courses in prison reduces the likelihood of recidivism by 43 percent.

Around 2016, while I was studying for the MCATs, I worked on behalf of the women that I had left behind by speaking publicly about my prison experiences and what needed to change. I began meeting women doing the same kind of work and realized this was something I could do full time. Everything we do at Operation Restoration is done through the lens of prison abolition, the goal that inspires our work. The US prison system was created by and for affluent white men. Even before it became a primary apparatus for disenfranchising and extracting labor from incarcerated people, especially Black people, it was never designed to serve people of color, poor people, or women and girls. But alongside the overarching goal of abolition, fundamental changes—like access to higher education—can happen within the system and, indeed, are intrinsic to dismantling it.

A big part of our work is breaking down policy barriers. Our organization—with the support of other formerly incarcerated women—wrote the language and advocated for Act 276, which Governor John Bel Edwards signed into law in 2017, making Louisiana the first state in the nation to “ban the box” in higher education admissions. We've helped remove the question from college applications in six other states, and we to remove the box from the Common Application for higher education.

## **Social Issues and Basic Needs being addressed reduces recidivism and incarceration rates**

### **Nahra 2021**

Alia Nahra, “There Is No One Answer to Over-Policing and Mass Incarceration — There Are Many” Brennan Center for Justice, 11-15-2021. (<https://www.brennancenter.org/our-work/analysis-opinion/there-no-one-answer-over-policing-and-mass-incarceration-there-are-many>)

America is a carceral society. We relegate more than 6 million people to some form of correctional control, 2.1 million of them behind bars. We confine people to correctional facilities plagued with inhumane conditions. We rely on criminal punishment to respond to basic human needs and solve social issues, like homelessness and drug addiction. We penalize people even after they've served their sentence by permitting limitations on their civil liberties and saddling them with unbearable debt, two burdens that prevent individuals with criminal records from holding full-fledged membership in our polity. And we disproportionately punish our society's most disempowered members, the largest share of whom are descendants of the enslaved.

In an effort to divert people from the criminal legal system, New York City introduced plans to transfer control of its school-safety program from the police to the city's Department of Education and relieved the police from responsibilities as inappropriate as serving as crossing guards and as important as performing outreach services for unhoused people. Both activities will be reassigned to civilian agencies.

In Shreveport, Louisiana, after 23 students were arrested at Southwood High School for fighting, families responded by forming a group called Dads on Duty. The dads take shifts “greeting students in the morning and helping maintain a positive environment for learning.” Since the initiative launched this September, the school has not experienced a single incident. This shift embodies a welcome break from how things had been: according to the school’s principal, Dr. Kim H. Pendleton, troublesome violence had beset the institution at the start of the academic year.

More than 25 other cities have addressed the school-to-prison pipeline by removing police from their schools. Berkeley, California, and Brooklyn Center, Minnesota, have also overhauled police involvement in traffic enforcement. Berkeley’s city council has proposed establishing a new Department of Transportation (dubbed “BerkDOT”) that would task unarmed civilians with low-level traffic enforcement.

Several cities have redirected funding to address the root causes of crime, including housing and job insecurity. Austin’s city council voted to use diverted funds to transform two hotels into permanent supportive housing units for individuals experiencing chronic homelessness, where residents will have access to case management services that include mental health and substance use counseling, workforce development programs, and job placement services.

## **Extension: Rehabilitation doesn’t work**

### **Rehabilitation is proving not effective in places where it is implemented**

#### **Walters 2019**

Dan Walters, “Commentary: So far, prison inmate rehab isn't working” CalMatters, 2-4-2019.  
(<https://calmatters.org/commentary/2019/02/so-far-prison-inmate-rehab-isnt-working/>)

The state prison system’s official title, “Department of Corrections,” was for decades nothing more than a euphemism, as was the official nomenclature for the system’s guards of “correctional officer.” The system expanded from about 20,000 inmates during Jerry Brown’s first stint as governor to more than 160,000 when he began his second governorship. And even though new prisons had sprouted up all over the state, they were overwhelmed by the sheer numbers of felons, leading to federal court orders to reduce overcrowding.

Fifteen years ago, the Department of Corrections became the Department of Corrections and Rehabilitation, supposedly signaling a new emphasis on reducing its revolving door culture.

Nothing much happened, however, until Brown returned to the governorship in 2011. He, along with a more liberal Legislature and penal reform groups pushed to reduce sentences, make parole easier, divert more felons into local jails and probation, and ramp up rehabilitation programs inside prisons – thereby, it was said, reducing prison overcrowding and “recidivism” by those returning to the streets.

The prison population has declined sharply, down at least 50,000 inmates from its peak, but a new report from State Auditor Elaine Howle indicates that the department isn't living up to its "corrections and rehabilitation" title. Our analysis of inmates released from prison in fiscal year 2015–16 did not find an overall relationship between inmates completing CBT (cognitive behavioral therapy) rehabilitation programs and their recidivism rates," Howle told the Legislature, which ordered her study. "In fact, inmates who completed their recommended CBT rehabilitation programs recidivated at about the same rate as inmates who were not assigned to those rehabilitation programs."

Why? She suggests that the corrections department adopted rehab programs without fully delving into what works and what doesn't, saying that the department "has not revalidated the accuracy of the tools it uses to assess inmates' rehabilitative needs since recent statutory changes caused a major shift in the state's prison population. Another potential reason is that Corrections has not ensured that vendors provide consistent and effective CBT programs that have been proven through research to reduce recidivism."

High staff vacancy rates and a failure to place inmates on program waiting lists has resulted in Corrections not utilizing all of its programs' budgeted capacity. Although Corrections has expanded its rehabilitation programs to all 36 prisons, prison staff have not enrolled the maximum number of inmates in each rehabilitation class."

## **Extension: Rehabilitation costs too much**

### **Rehabilitation in dense US states has not worked; despite millions in funding**

#### **Barret 2019**

Claudia Boyd-Barrett, "California Health Report of 2019, Despite Millions More in Funds Quality of Prison Rehab Programs Questionable, Audit Finds" California Health Report, 2-6-2019.

(<https://www.calhealthreport.org/2019/02/06/despite-millions-more-in-funds-quality-of-prison-rehab-programs-questionable-audit-finds/>)

Although California is spending millions of dollars on rehabilitation programs for prison inmates, there's little evidence to show those programs are effective, according to a state audit.

In a report released last week, the state auditor's office found that, while the budget for in-prison rehabilitation programs at the California Department of Corrections and Rehabilitation (CDCR) increased by \$64 million between 2013 and 2019, recidivism rates have remained stubbornly high, with an average of 50 percent of inmates reoffending within three years. An auditor's analysis of one type of rehabilitation program, called cognitive behavioral therapy, found no significant difference in recidivism rates between inmates who completed such programs and those who didn't. The analysis also found



that the CDCR didn't ensure that cognitive behavioral therapy programs offered a consistent quality of care in all state prisons.

Part of the problem, State Auditor Elaine Howle wrote in a letter to legislators, is that CDCR hasn't evaluated whether it's placing inmates in appropriate programs, and many inmates are not having their rehabilitation needs met. Sixty-two percent of the inmates released between July 2017 and June 2018 had none of their rehabilitative needs met. "The data used in this analysis (2014-15) predates a significant expansion in rehabilitative programming as well as the implementation of new quality control tools to assess the effectiveness of these programs," the statement said. "The Department is committed to building a strong model to measure our rehabilitative programs consistently and to continue enhancing public safety by ensuring our inmates have the skills and resources they need for a successful transition back to their communities." Assemblyman Reggie Jones-Sawyer (D-Los Angeles), who chairs the Assembly Public Safety Committee, said he requested the audit to get a snapshot of how the state's prison reform efforts are working so far, so that problems can be handled before even more money is invested.

"Californians have voted and authorized the state to put forward hundreds of millions of dollars toward rehabilitation and there's no room to get it wrong, we have to get it right," he said. "I want to know where are we so that we can improve, so we can have the best rehabilitation program, not just in the country but...in the world."

## **Extension: Social Issues**

### **The School to Prison Pipeline reinforces racism and leaves minorities to remain in prison**

#### **Amano 2021**

Christina Amano, "Panel calls for paradigm shift in school-to-prison pipeline" AP News, 3-19-2021. (<https://apnews.com/article/race-and-ethnicity-richmond-7d14fe25c343e1e78da101b3a4080afc>)

Schools have become places of trauma for students of color and help reinforce centuries of systemic racism by driving students into the criminal justice system, according to speakers at a recent University of Richmond symposium.

The UR School of Law hosted a six-hour event via Zoom with four presentations, nine panelists and over 200 attendees. The event featured UR law students, educators, social justice advocates and activists. Suspension and expulsion are used disproportionately against Black students, other students of color and those with disabilities, according to the U.S. Department of Education. Those punishments, along with arrests at school, often lead to students having a criminal record, according to the NAACP. The trend is known as the school-to-prison pipeline. Julie McConnell, a UR law professor, said the origins of

the school-to-prison pipeline is decades old. McConnell is the director of the university's Children's Defense Clinic, a program where law students represent indigent children in court. The school-to-prison pipeline has been an issue for many years, but it began to take hold during the "superpredator era" in the 1990s, following incidents such as the Columbine High School shooting, McConnell said. The superpredator theory centered around fear there was going to be a wave of violent kids threatening communities and schools. The theory popularized strict zero tolerance policies in schools. "We would automatically suspend and expel kids who got in trouble in school for very minor offenses in many cases," McConnell said.

She referenced a 2015 incident in South Carolina when a school resource officer tossed a student across a classroom after she refused to surrender her cellphone. Zero tolerance policies mandate predetermined punishments for certain offenses in schools, including the possession of a weapon, alcohol or drugs, according to Shared Justice. Minor offenses often punishable by suspension or expulsion include disorderly conduct and insubordination. McConnell and other speakers discussed how punitive policies often drive students into incarceration, as some offenses previously handled within schools are now dealt with by juvenile courts. McConnell said suspending minors results in higher rates of dropout, mental health problems, delinquency and substance abuse issues.