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Reforms that only take place in prisons won't solve

Baptiste 16 Nathalie Baptiste [is a writing fellow at The American Prospect], 1-26-2016, "After Incarceration, What Next?," American Prospect,

<https://prospect.org/article/after-incarceration-what-next> //DF

A broad bipartisan coalition on Capitol Hill has rallied behind a sweeping criminal justice overhaul aimed at ending mass incarceration, which costs the nation \$80 billion per year, a plan that would slash the nation's bloated prison population. But largely unanswered in those reforms is the question of what happens to prisoners once they are released. For those freed from prison or jail, getting out is just the first step. What comes next can be a daunting reentry process fraught with built-in obstacles to employment and family reunification. **If criminal justice reforms are to work, experts say, they must be accompanied with policy changes that remove institutional barriers to reentry that stigmatize prisoners once they are released.** It's a large population. Approximately one in three Americans has some sort of a criminal record, according to an extensive report released late last year by the Center for American Progress. That means that almost half of American children have at least one parent with a criminal record. These records can become a problem not just for people who have been convicted of a crime—even an arrest can appear on a record. The upshot is that people released from incarceration often land right back in jail or prison. In 2011, the Pew Center on the States found that the national recidivism rate is at 43.3 percent. The problem, say criminal justice reform advocates, is that **ex-offenders face multiple fees and barriers to employment, education, housing, and other social programs designed for the poor. This can lead to a vicious cycle of incarceration and re-incarceration. Released prisoners face barriers to finding employment, locating housing, receiving public assistance, and getting out from under past debts—often problems that dovetail with and exacerbate one another** The number one barrier, often, is finding a job. Approximately 60 percent of ex-offenders remain unemployed one year after their release. "Our clients don't know who to go to in order to apply for a job," says Brittany Peterson, a resource specialist at the Second Chance Risk Reduction Center in Kansas City, Missouri. "Doors get slammed in their face once a criminal background check is done." According to the National Institute of Justice, the research agency of the Justice Department, the stigma of having an arrest during one's lifetime hurts an applicant's job prospects more than virtually any other factor. These include such obstacles as long-term unemployment, receiving public assistance, or having a GED certificate as opposed to a high school diploma. Though the "ban-the-box" movement—which urges employers to remove the question about criminal histories from job applications—has spread to several states, many employers still require applicants to disclose that information. Criminal records reforms are at the heart of efforts to ensure that those released from jail don't just end up back behind bars because they can't find work. One strategy is to prepare inmates to tackle the tricky subject with employers head-on. "We have to prepare individuals to speak about and own their criminal records," says Stefan LoBuglio, who is the director of the Corrections and Reentry program at the Council of State Governments' Justice Center. During a recent trip to Wichita, Kansas, LoBuglio spoke with incarcerated women about how they would handle questions about their criminal histories once released. "They're being trained to offer a letter of explanation as well as a scripted response to an employer," explains LoBuglio. The women were advised to explain where they have been, what they've done, where they are now, and how the programs they were enrolled in while behind bars put them in a position to work and contribute to the employer's bottom line. Making sure that criminal records are being reviewed appropriately is also important, says LoBuglio. Some states have adopted policies that go under the banner of Fair Chance Hiring. "They vary, but some of them require that the employer only looks at the criminal record after a conditional offer," says LoBuglio, "And some look at the criminal record after the initial review." The key is to allow individuals to be judged by their skills, rather than by an employer's

kneejerk reaction to seeing a criminal record. Some states even go so far as to essentially getting rid of ex-offenders' criminal records. In Massachusetts, an individual's criminal record can be sealed for five years after a guilty conviction, or after jail or prison time—whichever is most recent. For a felony, a criminal record may be sealed after ten years. If the individual in question doesn't commit any additional crimes, "an employer won't be able to see the records," explains LoBuglio. Public housing often operates on a principle of "one strike, you're out," and four out of five landlords perform criminal background checks on potential tenants. Another key barrier to reentry is housing. As criminal justice advocates point out, one can't find a job without somewhere to live, and finding somewhere to live without a job is equally difficult. For ex-offenders, having a criminal record compounds the problem. Public housing often operates on a principle of "one strike, you're out," and four out of five landlords perform criminal background checks on potential tenants. In some cities, a public housing shortage makes it even more difficult for ex-offenders to find housing. "I don't use public housing as an option," says Peterson. "The wait-list is unrealistic." Peterson sometimes directs her clients to sober living homes, a type of transitional housing for individuals recovering from addiction, but ex-offenders with no history of substance abuse are not eligible for this option.

R/T Education

1. Non-Unique (Wharton 17)

Wharton Public Policy Initiative, 8-17-2017, "The Economic Impact of Prison Rehabilitation Programs,"

<https://publicpolicy.wharton.upenn.edu/live/news/2059-the-economic-impact-of-prison-rehabilitation-for-students/blog/news.php> //EH

The National Institute of Justice reports that over 75% of released inmates are re-incarcerated within five years of discharge from prison; this high re-offending rate is due to many U.S. prisons focusing on punishment, rather than on rehabilitation. While **84% of state prisons offer high school classes**, only 27% of state prisons offer college courses. **Almost all federal prisons offer vocational training** compared to only 44% of private prisons and 7% of jails. While almost all federal prisons have alcohol and drug rehabilitation programs, more than a quarter of all state prisons do not provide prisoners with alcohol and drug dependency, counseling, and awareness programs. Although prison rehabilitation programs initially cost prisons money to implement, studies have shown that these programs decrease the recidivism rate, decreasing the prison population.

2. Doesn't solve for the root cause

Western 16 Bruce Western [Bruce Western is the Daniel and Florence Guggenheim Professor of Criminal Justice Policy at the Harvard Kennedy School of Government. He is the author of the book "Punishment and Inequality in America."], 5-9-2016, "The Rehabilitation Paradox," New Yorker, <https://www.newyorker.com/news/news-desk/the-rehabilitation-paradox> //DF

One lesson we can learn from frail prisoners like Aman and Carla is that life is a one-way street. **Rehabilitative programs are often too little, too late; we need to intercede early.** In talking about their lives, our respondents often recalled **schools that were unable to respond to serious behavioral or learning problems except through suspension or expulsion.** They described how their **slides into heroin or crack addiction led straight into the criminal-justice system, rather than into an addiction program.** They described using marijuana or heroin to ameliorate chronic mental or physical pain that had gone untreated for years. Our social safety net focusses most of its limited resources on poor mothers, their children, and the elderly; unattached adults often slip through it. It's only after untreated addiction and mental illness lead to arrests and incarceration that they get help. By investing more in drug treatment, health care, and housing programs, we could offer a basic level of material and bodily security for people with broken minds and bodies who must try and adjust to life after prison. **A realistic public policy, moreover, needs to recognize that stable housing, employment, and a functional family life may be out of reach for the most fundamentally disadvantaged.** In these cases, human dignity can at least be respected by enabling the effort to struggle for it. This means, sometimes, providing a place to stay, a transitional job, and support for families even when the outcome is uncertain. In these cases, the struggle itself is intrinsically meaningful. It is meaningful for clients who might envision a better future. It is also meaningful for society as a whole to do something more than abandon the least capable among us. This is difficult ground for our criminal-justice system. From the perspective of human frailty, a program that barely reduces recidivism may still succeed in the formidable challenge of treating with decency people convicted of violence who have struggled all their lives with mental illness, addiction, and disability. **If we're really going**

to reduce our prison populations, we will have to acknowledge that human frailty under conditions of poverty puts people at risk of becoming, simultaneously, the perpetrators and victims of violence. This is challenging for a justice system designed to assess guilt or innocence and mete out punishment. In the past, we saw violence as an assault of the strong on the weak, and we punished it. Now we need to heal the frailty from which it springs.

3. College Degrees Worth Less for Low Income Graduates

Brad Hershbein, 2-19-2016, "A college degree is worth less if you are raised poor," Brookings, <https://www.brookings.edu/blog/social-mobility-memos/2016/02/19/a-college-degree-is-worth-less-if-you-are-raised-poor///RDM>

This is certainly the case in terms of gender and race. Many economists assume this pattern holds for those from different backgrounds in terms of income, too. Wages are lower for BA holders raised on low incomes. But it turns out that the proportional increase for those who grew up poor is much less than for those who did not. College graduates from families with an income below 185 percent of the federal poverty level (the eligibility threshold for the federal assisted lunch program) earn 91 percent more over their careers than high school graduates from the same income group. By comparison, college graduates from families with incomes above 185 percent of the FPL earned 162 percent more over their careers (between the ages of 25 and 62) than those with just a high school diploma: As the chart shows, this earnings gap between poor and non-poor college graduates also widens as time passes. Bachelor's degree holders from low-income backgrounds start their careers earning about two-thirds as much as those from higher-income backgrounds, but this ratio declines to one-half by mid-career. For individuals without a post-secondary credential, the pattern is less marked. Those from low-income backgrounds initially earn 80 percent as much as those from a higher-income background, dropping to 70 percent by mid-career.

4. The reason people don't get hired after prison isn't because they are uneducated, but because they are felons

R/T Substance Abuse Treatment

1. Not all NVDO's are drug addicts—dealers, suppliers, etc.

(Pew 18)

3-18-2018, "More Imprisonment Does Not Reduce State Drug Problems," Pew, <https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2018/03/more-imprisonment-does-not-reduce-state-drug-problems//RDM> Although federal sentencing laws have succeeded in putting some kingpins and other serious drug offenders behind bars, they have also led to lengthy imprisonment for lower-level offenders.¹² The U.S. Sentencing Commission found that in 2009 the most serious traffickers—those defined as "high-level suppliers" or "importers" who rank at the top of the commission's culpability scale—represented 11 percent of federal drug offenders.¹³ In contrast, nearly half of those sentenced for federal drug crimes in 2009 were lower-level actors, such as street dealers, couriers, and mules.¹⁴ Research indicates that the public safety impact of incapacitating these offenders is essentially nullified because they are rapidly replaced.¹⁵

2. Compulsory drug rehab ineffective, short term if any impact on recidivism

(Leblanc 16 - PubMed)

Leblanc EI, Patnode Cd, Webber Em, Redmond N, Rushkin M, O'Connor Ea., 2-28-2016, "THE EFFECTIVENESS OF COMPULSORY DRUG TREATMENT: A SYSTEMATIC REVIEW," PubMed Central (PMC), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4752879///RDM>

While a limited literature exists, the majority of studies (78%) evaluating compulsory treatment failed to detect any significant positive impacts on drug use or criminal recidivism over other approaches, with two studies (22%) detecting negative impacts of compulsory treatment on criminal recidivism compared with control arms. Further, only two studies (22%) observed a significant impact of long-term compulsory inpatient treatment on criminal recidivism: one reported a small effect size on recidivism after two years, and one found a lower risk of drug use within one week of release from compulsory treatment.⁴⁰ As such, and in light of evidence regarding the potential for human rights violations within compulsory treatment settings, the results of this systematic review do not, on the whole, suggest improved outcomes in reducing drug use and criminal recidivism among drug-dependent individuals enrolled in compulsory treatment approaches, with some studies suggesting potential harms. These results are of high relevance given the reliance on compulsory drug detention among policymakers in a range of settings. Indeed, compulsory drug treatment approaches have been implemented in southeast Asia,^{29,45} the Russian Federation,⁴⁷ North America,⁴⁶ Latin America,^{30,47–49} Europe,³⁹ Australia,³¹ and elsewhere.¹⁹ However, experts have noted that little evidence exists to support compulsory treatment modalities, and that the onus is therefore on advocates of such approaches to provide scientific evidence that compulsory treatment is effective, safe, and ethical.³² The results of the present systematic review, which fails to find sufficient evidence that compulsory drug treatment approaches are effective, appears to further confirm these statements.²⁵ Human rights violations reported at compulsory drug detention centers include forced labour, physical and sexual abuse, and being held for up to five years without a clinical determination of drug dependence.^{25,29,33,45} Governments should therefore seek alternative, evidence-based policies to address drug dependence. The evidence presented herein also supports the joint statement on drug detention centers released by a range of United Nations-affiliated institutions declaring that, “[t]here is no evidence that these centres represent a favorable or effective environment for the treatment of drug dependence”, and that “United Nations entities call on States to close compulsory drug detention and rehabilitation centres and implement voluntary, evidence-informed and rights-based health and social services in the community.”⁵⁰ It is noteworthy in this regard that, while compulsory approaches appear ineffective, evidence suggests that a large body of scientific evidence supports the effectiveness of voluntary biomedical approaches such as OST in reducing drug-related harms.^{4,5} China, Vietnam and Malaysia, for example, all previously scaled up compulsory drug detention centers, but are increasingly moving towards voluntary methadone maintenance and needle and syringe distribution systems to reduce the risk of blood-borne disease transmission from PWID sharing injecting equipment.^{51–57} Emerging evidence suggests that expanded OST dispensation in these settings has been effective in reducing drug use.^{54,56–58} This scale up of evidence-based biomedical and harm reduction interventions is occurring despite China’s previous investment in a compulsory treatment infrastructure; as such, tensions remain between voluntary, public health-oriented approaches and compulsory detention,⁵⁹ as they do in settings that include both compulsory and voluntary approaches, such as Mexico.^{60,61} This may result in suboptimal treatment outcomes given that ongoing interactions with law enforcement and the threat of detention within compulsory drug detention centers may cause drug-dependent individuals to avoid harm reduction services or engage in risky drug-using behaviors out of a fear of being targeted by police,⁵⁹ as has been observed in a range of settings.^{62–66} We also note that this is likely the case in settings seeking to control the harms of non-opioid substance use disorders such as cocaine use disorder, given that available interventions that have been shown to be effective have been undertaken using voluntary treatment approaches.^{11,12,16} Governments seeking to implement or bring to scale harm reduction interventions that include OST and needle and syringe distribution will therefore likely be required to reduce their reliance on compulsory and law enforcement-based approaches in order to ensure treatment effectiveness. Limitations This systematic review has limitations. Primarily, risk of publication bias is present given political support for law enforcement-oriented strategies to controlling drug-related harms, particularly in Southeast Asia, where compulsory drug detention centers have been implemented by many national governments.^{29,45} In certain settings, such as Thailand, the scale up of drug detention centers has been accompanied by high-profile ‘war on drugs’ campaigns promoting enforcement- and military-based responses to drug harms.³⁸ Within such political climates, undertaking or publishing peer-reviewed research critical of compulsory drug treatment may be disincentivized. Further, while drug detention centers are more numerous in southeast Asia, this region has a limited infrastructure for scientific research on drug use, which may also increase the risk of publication bias. Conclusions Based on the available peer-reviewed scientific literature, there is little evidence that compulsory drug treatment is effective in promoting abstinence from drug use or in reducing criminal recidivism. It is noteworthy that this systematic review includes evaluations of not only drug detention centers, but of a range of compulsory inpatient and outpatient treatment approaches. Additionally, the reductions in drug use and criminal recidivism as a result of compulsory drug treatment interventions were generally short-term or of low clinical significance. In light of the lack of evidence suggesting that compulsory drug treatment is effective, policymakers should seek to implement evidence-based, voluntary treatment modalities in order to reduce the harms of drug use.

3. TURN: Forced Rehab is ineffective and leads to more death, twice as likely to die

Shawn Radcliffe, 6-18-2018, "Drug Addicts and Forced Rehab?," Healthline,

<https://www.healthline.com/health-news/people-with-drug-addictions-forced-into-rehab#4//> RDM

The rise in involuntary commitments may be a sign of the severity of the opioid epidemic. According to the National Institute on Drug Abuse (NIDA), more than 115 people in the United States die each day after overdosing on opioids. However, **there's little research showing that forcing someone into drug treatment helps them in the long run.** Many states don't track whether civil commitments help people with a substance use disorder stay in recovery, or how many times they enter forced treatment. But **there are studies showing that these programs don't help and may actually be harming people instead. A 2016 report by the Massachusetts Department of Public Health found that people who were [in forced rehab] involuntarily committed were more than twice as likely to die of an opioid-related overdose than those who chose to go into treatment.** Another 2016 study published in the International Journal of Drug Policy **found little evidence that mandatory drug treatment helps people stop using drugs or reduces criminal recidivism.** "There appears to be as much evidence that [compulsory treatment] is ineffective, or in fact harmful, as there is evidence that it is effective," said study author Dan Werb, PhD, who's also an epidemiologist and policy analyst at the University of California at San Diego (UCSD). A 2018 study done in Tijuana, Mexico, by Claudia Rafful, a doctoral student in public health at UCSD, found that involuntary drug treatment is also associated with an increased risk of nonfatal drug overdoses. Part of this may be due to loss of tolerance to the drugs when someone suddenly stops using them. This happens not just with mandatory treatment, but also when people end up in jail. However, Rafful says that interviews with people taken involuntarily into the treatment centers in Tijuana showed that most of them weren't ready to stop using drugs. This may be another contributing cause of drug overdose after involuntarily committed individuals are released. **Many of these centers also didn't use evidence-based treatments. This is also a problem in the United States.** Additionally, people going through drug courts can face many barriers to receiving evidence-based diagnoses and treatments, according to a 2017 report by Physicians for Human Rights. Interventions shown to be most effective for helping people with substance use disorders were often not available, or not available to everyone — including support for stable housing and employment and medication-assisted treatment. When those interventions were available, people weren't always able to afford them. Or their insurance — including Medicaid — may not have covered them. Gordon's son spent some time in jail before a bed finally opened in the treatment program. Until then, his addiction was left untreated. Some researchers see drug courts as coerced, rather than mandatory treatment, because people are still given a choice: go to jail or enter drug treatment.

R/T Cost Saving

Prisons may save money by rehabilitating instead of punishing nonviolent criminals, but they'll spend more money to punish violent criminals even more harshly; that will cancel-out, if not reverse, any cost-saving

Beckett 16 Katherine Beckett [professor in the Law, Societies, and Justice Program and the Department of Sociology, and the Clarence and Elissa M. ("Lee") Schrag Endowed Faculty Fellow at the University of Washington], Anna Reosti [doctoral candidate in the Sociology Department at the University of Washington. Her primary areas of interest include punishment, stratification, and housing policy], Emily Knaphus, 2-18-2016, "The End of an Era? Understanding the Contradictions of Criminal Justice Reform," SAGE Journals,

<https://journals-sagepub-com.proxy.swarthmore.edu/doi/full/10.1177/0002716215598973> //DF

These examples illustrate the fact that many reform advocates distinguish between deserving and undeserving reform recipients and specify that their interest in reform extends only to those depicted as comparatively deserving. A somewhat stronger version of this narrative asserts that the resources and energies of the criminal justice system, including those resources preserved through progressive criminal justice reforms, should be used to focus on undeserving offenders: The courts are one facet of Georgia's criminal justice reform initiative that seeks to divert nonviolent offenders to treatment, so expensive prison beds can be reserved for the most dangerous criminals.¹⁶ By increasing investments in community services and reforming sentencing laws so that expensive prison beds are focused on serious offenders, the Legislature can improve our criminal justice system and deter escalating costs.¹⁷ Gov. Mark Sanford threw his support Wednesday behind a proposed law to shift future

nonviolent offenders to alternative sentences as a way to free up more than 2,400 prison beds for violent criminals and avoid the \$300 million-plus expense of building a new prison.¹⁸ The strongest version of this narrative asserts that progressive reforms benefiting deserving offenders need to be coupled with punitive reforms that enhance punishments for undeserving offenders. At times these calls entail specific suggestions for statutory changes; other statements include more general calls for getting tougher on certain offenders: The chief justice of the state Supreme Court has called on lawmakers to keep violent offenders in prison longer and devise alternatives to incarceration for nonviolent offenders. And the attorney general has suggested a similar plan - no parole for violent criminals and non-prison punishments for others.¹⁹ Proponents say the new law will ensure there is prison space for high-risk, violent criminals, who will serve longer prison terms.²⁰ Other articles featured elected officials touting their “tough” credentials and commitment to harsh punishment for violent offenders alongside their calls for progressive reforms. As Ohio Governor John Kasich explains, his endorsement of a measure benefiting nonviolent offenders should not be taken as evidence that he and his colleagues have become soft on crime: House Bill 86 is focused on keeping dangerous and violent offenders behind bars and rehabilitates inmates who are first time, non-violent offenders. . . . I don’t want anyone to think we’ve lost discipline,” Kasich said. “You do bad . . . we’re locking you up. But for someone that wants to do better, we’re giving you a chance.”²¹ In short, calls for, and justifications of, criminal justice reform commonly distinguish between more and less sympathetic groups of offenders, and not infrequently suggest the importance of redirecting scarce criminal justice resources toward enhancing the punishment of those in the latter category. These statements also reveal reform advocates’ strategic effort to limit the potential political liability of endorsing such measures. For example, the following statement from a county commissioner in Colorado refers to her proposal to curtail sentences for nonviolent drug offenders and parole violators. In it, the commissioner explains that the proposal will be more palatable if it is coupled with a new, punitive truth-in-sentencing measure: “Maybe what we’re going to do is make more space available so we keep those violent offenders in longer,” she said. “I don’t think this will end up being a politically risky thing to do when we do our job well.”²²