Negative: Dogs

By “Coach Vance” Trefethen

***Resolved: The United States Federal Government should significantly reform its policies regarding convicted prisoners under federal jurisdiction***

Case Summary: The AFF plan uses a state pilot project from either Florida or California where inmates get trained as dog handlers and applies it to federal prisons. Big problem: Federal prisons have already done it. AFF forgot to research any inherency for their case and didn’t check to see whether this was actually a change in policy or whether any more federal prison dog programs were needed. Federal prisons have had dog programs since at least 2010.

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Negative: Dogs

TOPICALITY

1. Not significantly reforming

Link: 153,000 Federal prisoners

Zoukis Consulting Group 2020. (Christopher Zoukis, MBA, is the Managing Director of the Zoukis Consulting Group, a federal prison consultancy that assists attorneys, federal crimial defendants, and federal prisoners with prison preparation and in-prison matters ) (article is undated but references material published in 2020) “Federal Bureau of Prisons” <https://prisonerresource.com/federal-prisons/> (accessed 11 Sept 2021)

The Federal Bureau of Prisons incarcerates 153,248 federal prisoners across 37 states. These inmates are held in 127 stand-alone federal prisons, 68 satellite prison camps, and 12 private prisons.

Link: Plan costs $80,000 per prisoner according to Affirmative’s evidence

(AFFIRMATIVE SOURCE) ABC News 2019 (journalist Julia Jacobo) 2 Feb 2019 “Prison animal programs are benefitting both inmates and hard-to-adopt dogs in Florida, experts say“ https://abcnews.go.com/US/prison-animal-programs-benefitting-inmates-hard-adopt-dogs/story?id=60600864

The Florida Department of Corrections-approved TAILS program -- which stands for Teaching Animals and Inmates Life Skills -- focuses on pairing at-risk dogs with institutionalized men. The at-risk dogs are categorized as those that would have been euthanized or were seized from dog-fighting, abusive or hoarding [environment](https://abcnews.go.com/alerts/environment)s, Jen Deane, executive director of TAILS and Pit Sisters, a Jacksonville-based organization that takes dogs in need from city shelters, told ABC News. The program costs about $80,000 a year to run and is funded entirely by Pit Sisters and donations.

Link: Plan funding is $24 million/year

That’s in their plan text.

Link: The plan will serve exactly 300 prisoners

$24 million funding divided by $80,000 per prisoner = 300 prisoners in the Affirmative’s plan

Definition of “significant”

Merriam Webster Online Dictionary copyright 2021 https://www.merriam-webster.com/dictionary/significant

of a noticeably or measurably large amount

Violation: 300 prisoners out of 153,000 prisoners is miniscule not significant. 300 / 153,248 = 0.2%

99.8% of federal prisoners will never be touched by the Affirmative’s plan. Five years after this plan is enacted, no one will ever be able to notice any difference in the federal prison system.

Impact: Failure to affirm the resolution justifies NEG ballot

Since the Affirmative isn’t affirming significant reform in their plan, there is no Affirmative team in this debate round. No matter who wins, you should vote Negative.

2. Affirmative is Late to the Party. “Endorsing the Status Quo” isn’t reform

Link: No inherency claim (no evidence about what the Status Quo is doing) in the 1AC

Affirmative never read any evidence in the 1AC to build a prima facie case that the Status Quo isn’t already doing dogs in federal prisons. This is a fundamental fact they had to prove in order to prove they are reforming anything, and they failed to do it. But there’s a good reason for their failure, and that is…

19 federal prisons already have dog programs

Associated Press 2016. (journalist David Dishneau) 16 Mar 2016 “Prison dog programs: Lots of love but lack of standards” <https://www.seattletimes.com/nation-world/prison-dog-programs-lots-of-love-but-lack-of-standards/> (accessed 18 Sept 2021)

More than half of the nation’s state prison agencies have the programs, according to William Paterson University sociologist Gennifer Furst. Inmates also train dogs at 19 federal correctional facilities, Bureau of Prisons spokesman Justin Long said.

Violation: Endorsing the Status Quo means no reform

Affirmatives are supposed to affirm significant reform, not just “do what the Status Quo is doing.” If you recall your Judge Orientation training, in JO they told you that the Negative owns the Status Quo. If you think dog training in federal prison is a good idea, then it’s a Negative ballot because that’s Status Quo policy. A reform would have been something like abolishing dog training, not endorsing it.

Impact: No Affirmative team in the round and abuse to the Negative justify a NEG ballot

There were plenty of topical reform cases the Affirmative could have run. But no, they tried to surprise everyone by running a case that endorses the Status Quo. That’s abusive and by itself justifies a Negative ballot. On top of that, since both sides are endorsing the Status Quo, there are now 2 Negative teams in the round. No matter who wins, you should Negative.

INHERENCY

1. Status Quo already has puppies in prison

Example: Federal prison in Bryan, Texas, has had them since 2010

Brooke West 2013. (journalist) “Companions in training: Program allows inmates to teach service dogs” THE EAGLE (Bryan, Texas, newspaper) 20 Jan 2013 <https://theeagle.com/news/local/companions-in-training-program-allows-inmates-to-teach-service-dogs/article_e62f954a-6b6a-5206-bc24-23484ea8cd9e.html> (accessed 19 Sept 2021)

Nadine drooled as she eyed the treats sprawled before her on each paw, patiently waiting for the command to devour them. Although those few seconds may have been torturous for the 14-month-old Labrador retriever and golden retriever-bred pup, it's part of her training regimen at the Federal Prison Camp in Bryan that may allow her to be a companion to someone who requires daily assistance. "It teaches them that they're not supposed to pick anything up," said Lora Tomlinson, an inmate and head puppy trainer at the prison camp. "Sometimes at lunch we'll throw our chicken on the ground to teach them that they can't eat everything they find. If they're at a restaurant, we don't want them acting inappropriate." Six puppies, including Nadine, were handed over to the 900-inmate prison facility for non-violent female offenders by Canine Companions for Independence, a nonprofit that seeks to enhance the lives of people with disabilities by providing them with highly trained assistance dogs. Barb Kubiak, unit counselor at the prison camp, helped bring in the CCI program that began at the facility in April of 2010. Each puppy is assigned an inmate trainer who is selected based on her disciplinary record and overall interest in the program, Kubiak said.

Status Quo has had dogs in federal prisons for years now. Example: Florence, Colorado, federal prison in 2015

Federal Bureau of Prisons 2016. “Doggone Helpful” 30 Aug 2016 <https://www.bop.gov/resources/news/20160829_doggone_helpful.jsp> (accessed 18 Sept 2021)

Inmates at the Federal Correctional Institution (FCI) in Florence, CO, are learning how to train service dogs to help people in need. Inmates train dogs in mobility service, medic alert, and hearing assistance as part of a partnership with an organization offering canine assistants to the elderly and disabled throughout the United States. The program began a year ago with 12 inmates and five dogs, and has expanded to 15 inmates and 10 dogs. The inmates are responsible for providing care 24 hours a day for their assigned dogs, including feeding, socializing and training. Throughout the program, inmates teach commands while the dogs become acclimated to a regimented schedule.

Impact: Affirmative fails their burden and Negative ballot justified

The Affirmative must do a lot more than just prove that puppies are cute and cuddly and prisoners like them. They have to prove 1) that the Status Quo isn’t already doing it. Or 2) that their puppies are cuter and cuddlier than the puppies the Status Quo is already providing. Or 3) that for some other reason, their puppy program is better or more effective than Status Quo puppies in prison. They didn’t do any of that in their 1AC, so right now it’s a clear Negative ballot.

A/T “But we’re expanding it!” – This fails for 3 reasons

1) They read no evidence showing the program needs to be expanded. It’s possible that all the prisoners that are eligible to do dog programs are already doing them. That’s their burden to prove, not ours. There’s already 19 federal prisons doing dog programs. They need to prove that even 1 more program is needed.  
2) They read no evidence showing the program can be expanded. Their evidence just says “puppies are good.” We’ll show in our Solvency arguments that a lot of federal prisons simply can’t begin doing dog programs for various structural reasons – not because they don’t want to, but because the design of the prison won’t allow it.  
3) If they agree that the Status Quo already has a big federal program doing dogs in prison and they’re just expanding it a little, then they lose on Topicality. Doing a little more of the Status Quo is not significant reform.

SOLVENCY

1. More study needed

Dog Training Programs (DTP) have never been tested with genuine scientific methods. “Successful” programs don’t prove anything about rehabilitation because only the best prisoners are chosen to participate

Kevin Earl 2017 (doctoral research fellow, Univ. of New Haven College of Criminal Justice and Forensic Sciences) Nov 2017 Examining Dog-Training Programs in Prison: Success Found Among Confounding Factors <https://www.ebpsociety.org/blog/education/283-prison-dog-training> (accessed 19 Sept 2021)

All of the desired findings discussed come with limitations. These limitations should affect the way the findings regarding the effectiveness of DTPs are considered. For example, the selection bias that occurs in recruiting participants is a major limitation because the individuals being recruited are those that are the best behaved/model prisoners already. They are the ones that would be most likely to be susceptible to change. This should cause question of whether the DTPs caused the reduced recidivism or better behavior or if that change was going to occur anyway. There are no true experimental designs with a test and control group that directly examine DTPs. Future research should consider this and aim to produce such an ethical study that could utilize a control group to better assess recidivism and behavior.

Since no one has a scientifically reviewed study showing dogs successfully rehabilitate prisoners, we should do a study first before increasing federal prison dog programs

Paul Larkin 2017 (JD from Stanford Law School; Senior Legal Research Fellow, Meese Center for Legal and Judicial Studies, Institute for Constitutional Government, Heritage Foundation) 30 June 2017 “Death Row Dogs, Hard Time Prisoners, and Creative Rehabilitation Strategies: Prisoner-Dog Training Programs” CATHOLIC UNIVERSITY LAW REVIEW https://scholarship.law.edu/cgi/viewcontent.cgi?article=3419&context=lawreview (accessed 18 Sept 2021)

There are options, however, for Congress and the Attorney General to consider. Congress could seek help from the Government Accountability Office (GAO). Created by the Budget and Accounting Act of 1921, the GAO provides investigative, evaluative, and auditing services for Congress. Congress could direct the GAO to evaluate the effectiveness and efficiency of existing federal and state PDPs. A principal focus of any such inquiry should be whether PDPs have materially reduced the recidivism rate for participating inmate- trainers. Even though the GAO cannot randomly assign dogs to prisoners within the BOP system, the GAO’s close study of the history of the federal and state programs might well offer sufficient information for Congress to decide whether it should expand PDPs in the federal system. Alternatively, Congress could direct the Attorney General to attempt to create a pilot project making such a random assignment at one or more minimum-security facilities that do not house any inmate with a history of animal abuse. Or the Attorney General could create a pilot project on his own. The results of a project at one BOP facility might provide sufficient evidence of a program’s effectiveness to justify the expenditures necessary to create PDPs at additional facilities. In the meantime, the Justice Department could investigate the effectiveness of state PDP programs, especially if the states have minimum-security facilities that are comparable to the ones managed by the BOP and that house the same type of offenders.

Must have research first to prove prison dog programs (PDP) reduce recidivism BEFORE expanding them at the federal level

Paul Larkin 2017 (JD from Stanford Law School; Senior Legal Research Fellow, Meese Center for Legal and Judicial Studies, Institute for Constitutional Government, Heritage Foundation) 30 June 2017 “Death Row Dogs, Hard Time Prisoners, and Creative Rehabilitation Strategies: Prisoner-Dog Training Programs” CATHOLIC UNIVERSITY LAW REVIEW https://scholarship.law.edu/cgi/viewcontent.cgi?article=3419&context=lawreview (accessed 18 Sept 2021)

Of course, there is a limit as to how far those programs can be expanded. Prisoners in solitary confinement or in so-called “Super Max” facilities would not be eligible to become inmate-trainers, so no correctional system could create a PDP for every facility or even for every wing in certain facilities. But it may be possible and desirable to expand those programs beyond their current implementation. If so, the number of people benefitted by these “win-times five” programs would only increase. To answer those questions, further research is necessary. It is critical for Congress, through the GAO, or the Justice Department, through the BOP or Bureau of Justice Programs, to conduct or fund the research necessary to determine whether these programs can materially reduce the current recidivism rate.

2. Can’t just “replicate” a “successful” dog program

Link: AFF claims success based on a pilot program they are replicating

It’s in all their evidence and their Plan.

Failure: Dog programs are all unique due to different prison conditions. They can’t simply be replicated

Associated Press 2016. (journalist David Dishneau) 16 Mar 2016 “Prison dog programs: Lots of love but lack of standards” <https://www.seattletimes.com/nation-world/prison-dog-programs-lots-of-love-but-lack-of-standards/> (accessed 18 Sept 2021)(brackets added)

The ADI [Assistance Dogs International] guidelines include expectations for written agreements with the prison and dog handlers but acknowledge potential conflicts with individual prison protocols. “It’s very tough to create kind of an absolute blueprint for these programs so that they replicate one another,” said the accrediting organization’s Mundell, who is also CEO of Canine Companions For Independence, a provider of assistance and service dogs.

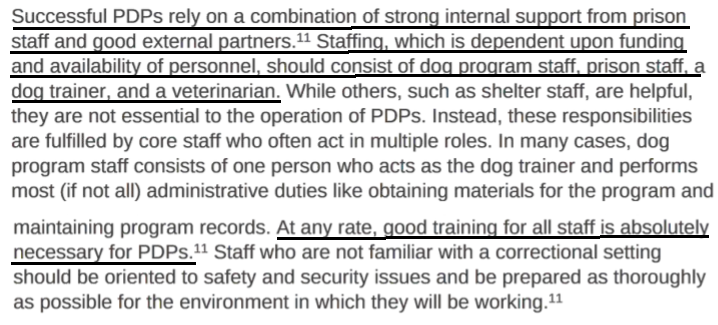
3. No staff training

Link: AFF plan has no training for the staff in their plan

It’s not in their plan mandates

Failure: Training is absolutely essential to success of prison-based dog training programs (PDP)

Tyler M. Han, Erin Flynn, Joseph Winchell, Emily Gould, Jaci Gandenberger 2018 (University of Denver, Institute for Human-Animal Connection) Oct 2018 Prison-Based Dog Training Programs: Standard Protocol <https://www.wellbeingintlstudiesrepository.org/cgi/viewcontent.cgi?article=1001&amp;context=anitobe> (accessed 18 Sept 2021)



4. Can’t be expanded to additional prisons [it’s already in 19 federal prisons – why not more?]

Prison architecture not suitable for dogs in many prisons

Paul Larkin 2018 (Senior Legal Research Fellow, Meese Center for Legal and Judicial Studies, Institute for Constitutional Government) 31 Aug 2018 “Prisoners, Dogs, Training, and Rehabilitation” <https://www.heritage.org/crime-and-justice/report/prisoners-dogs-training-and-rehabilitation> (accessed 18 Sept 2021)

Not every prison has a physical layout that can accommodate dogs. Internal space limitations are only one part of the problem. Prisoners who care for dogs all day need free access to a yard that is nearby and always open, which is a rare feature in most prisons. Prison architecture therefore may make it infeasible to operate a prisoner-dog program.

Prison dog programs (PDPs) can’t be expanded in many cases because of the architecture of the prison or lack of guard staffing

Paul Larkin 2017 (JD from Stanford Law School; Senior Legal Research Fellow, Meese Center for Legal and Judicial Studies, Institute for Constitutional Government, Heritage Foundation) 30 June 2017 “Death Row Dogs, Hard Time Prisoners, and Creative Rehabilitation Strategies: Prisoner-Dog Training Programs” CATHOLIC UNIVERSITY LAW REVIEW https://scholarship.law.edu/cgi/viewcontent.cgi?article=3419&context=lawreview (accessed 18 Sept 2021)

Other, less-crowded facilities might not be able to expand their PDPs without making enormously expensive modifications to the construction of existing facilities. Enlarging the size of PDPs may require a corresponding increase in the number of correctional officers necessary to oversee inmates during training or transit to and from a training area.

5. Dogs aren’t rehabilitating the prisoners

Prison staff select only good prisoners for dog programs. No one can prove low recidivism rates were “caused” by dogs.

**Paul Larkin is generally in favor of prison dog programs, though not specifically the Affirmative plan. He advocates more study first. But he admits in 2018 QUOTE:**

Paul Larkin 2018 (JD from Stanford Law School; Senior Legal Research Fellow, Meese Center for Legal and Judicial Studies, Institute for Constitutional Government, Heritage Foundation) 31 Aug 2018 “Prisoners, Dogs, Training, and Rehabilitation” <https://www.heritage.org/crime-and-justice/report/prisoners-dogs-training-and-rehabilitation> (accessed 18 Sept 2021)

Some prisoners cannot be trusted with a dog. Imagine the headline “Serial Killer Wolfs down Fido with Some Fava Beans and a Nice Chianti.” That’s not going to generate a lot of positive PR. Selective assignment is critical for prisoner-dog training programs to exist. At a minimum, it would be impossible to persuade correctional officials to the contrary. Yet without that testing feature, any test runs the risk of “selection bias.” Inmates who participate in such a program might walk the straight and narrow after their release for reasons having nothing to do with the program. We will never know.

Only the safest prisoners get assigned to dogs, so there’s no link between dogs and reduced recidivism or rehabilitation success.

**Paul Larkin is generally in favor of prison dog programs, though not specifically the Affirmative plan. He advocates more study first. But he admits in 2017 QUOTE:**

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Inmates must volunteer for these programs, and not every volunteer is accepted. One reason for that selectivity is almost certainly the fear of public condemnation were a prisoner to mistreat and injure one of the dogs, or worse. Fortunately, no such incident has yet occurred. While it is unlikely that one will occur, there is no guarantee. Were such an incident to occur, it would be a public relations nightmare for the correctional system involved. Given today’s 24/7/365 news cycle, the incident would be replayed endlessly on one or more cable news channels (at least until some other equally ghastly event replaced it) and would be forever available on the Internet. Even one particularly ugly event could sink a program that otherwise had an almost 100 percent success rate. The public has come to demand perfection in government programs, and the punitive attitude toward offenders that the public manifested not long ago is still very close to the surface. The consequence of not randomly assigning dogs to prisoners, however, is the risk of “selection bias.” Inmates who volunteer for PDPs might not commit post-release crimes for reasons wholly unrelated to the effectiveness of a PDP at reformation. If so, it cannot be said with any certainty that the program had any rehabilitative effect; it might have just been happenstance that the inmate was a trainer. That possibility robs current PDPs of the predictive validity necessary to prove that they effectively reduce the crime rate and rehabilitate prisoners.

DISADVANTAGES

1. Rehabilitation is unjust

Link: Prison Dogs are an effort to follow the “rehabilitation” model of justice for prisoners

Paul Larkin 2018 (Senior Legal Research Fellow, Meese Center for Legal and Judicial Studies, Institute for Constitutional Government) 31 Aug 2018 “Prisoners, Dogs, Training, and Rehabilitation” <https://www.heritage.org/crime-and-justice/report/prisoners-dogs-training-and-rehabilitation> (accessed 18 Sept 2021)

The bottom line is that even if rehabilitation were no longer a legitimate sentencing consideration, let alone the only one, there was still some room left for consideration of the possibility of reformation in individual cases, even if only to encourage positive in-custody behavior and to reward inmates for their good conduct.It was in that space that correctional officials started to use prisoners to train dogs to save the souls of the former and the lives of the latter.

Link & Impact: Justice is lost. Goal of rehabilitation mean abandoning justice and the moral foundations of the universe

Dr. Stuart B. Babbage 1973 (PhD theology) “C.S. LEWIS AND THE HUMANITARIAN THEORY OF PUNISHMENT” (Spring 1973) <https://biblicalstudies.org.uk/pdf/churchman/087-01_036.pdf> (accessed 29 June 2021)

A close-up of a document

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Link & Impact: Justice is lost whenever we adopt any goal that looks forward to “what will be the results of the punishment?” rather than backwards at the question of “what punishment does that crime justly deserve?”

**To uphold Justice, the Affirmative has to be able to tell you that these prisoners, based on the crimes they committed, deserve to be given puppies. If their justification is anything other than that, then they are acting contrary to Justice and deserve to lose the round.**

Prof. Peter Karl Koritansky 2012 (associate professor of history, philosophy, and religious studies at the University of Prince Edward Island, Canada) Thomas Aquinas and the Philosophy of Punishment <https://books.google.com/books?hl=en&lr=&id=CFZ6DKEw4wUC&oi=fnd&pg=PR7&ots=6Wg7jWFoUM&sig=TAefdc8Zs_mKI5C8DZqn0BCIPPo#v=onepage&q&f=false> (accessed 10 Aug 2021) (Note: Prof. Koritansky is referring to criticism in general of backward looking utilitarianism, but in the article he expresses agreement with this criticism, so this quote is being used consistently with author’s intent.)

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2. Dog bites

Prison dog programs are dangerous. Maryland program was terminated after inmate and staff were bitten

Associated Press 2016. (journalist David Dishneau) 16 Mar 2016 “Prison dog programs: Lots of love but lack of standards” <https://www.seattletimes.com/nation-world/prison-dog-programs-lots-of-love-but-lack-of-standards/> (accessed 18 Sept 2021)

An Ohio inmate bitten by a dog won a $15,000 judgment in 2002. — A Maryland prison’s pet-adoption program, launched without a written agreement, grew to include dogs and cats supplied by three organizations in two counties. The state Department of Public Safety and Correctional Services killed the program after an inmate and staff member were bitten.

3. Security threats

Kansas had a prisoner escape because of the dog program. Maryland had drugs smuggled into prison

Associated Press 2016. (journalist David Dishneau) 16 Mar 2016 “Prison dog programs: Lots of love but lack of standards” <https://www.seattletimes.com/nation-world/prison-dog-programs-lots-of-love-but-lack-of-standards/> (accessed 18 Sept 2021)

A Maryland inmate who was allowed to walk his dog outdoors at night alone allegedly used the trips to retrieve contraband from a drone flown over the prison’s 12-foot fence. At his trial Wednesday, the judge acquitted inmate Charles Brooks of 27 charges but said the jury still can consider those alleging he conspired to possess and distribute drugs that were found with a drone in a pickup truck belonging to one of two convicted co-conspirators. — A Kansas inmate escaped in 2006 by charming an animal-shelter worker into smuggling him out in a dog crate inside her van.