Time for a Trim: Reduced Time / Barber Amendment

By Jeremiah Mosbey

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

This plan increases the allowance of “good time” days (reductions that a federal prisoner may receive. The federal prison system is severely overcrowded as a result of mass incarceration that provides no advantage to the U.S. To combat this, the “Barber Amendment” allows federal prisoners to have shorter sentences if their behavior is good. This will reduce the U.S. prison population by 10%, and it clears up $1.2 billion that can be repurposed for reentry programs. In addition, good time programs have been proven to be effective at reducing recidivism and improving prison safety. [Note: the character “§” is read as “Section”]

Time for a Trim: Reduced Time / Barber Amendment 3

OBSERVATION 1. DEFINITIONS 3

Significant 3

Reform 3

OBSERVATION 2. INHERENCY, the structure of the Status Quo. 3 Key Facts: 3

FACT 1. 54 Days. 3

For every year of good behavior, federal prisoners earn 54 days off their sentence under current law 3

FACT 2. The Barber Amendment 3

The Barber Amendment would raise good conduct reductions from 54 days to 128 days per year 3

FACT 3. 156,000 federal prisoners 4

The Bureau of Prisons published a chart that says Quote “156,098 total Federal inmates – last updated October 28, 2021” 4

OBSERVATION 3. We offer the following PLAN implemented by Congress, the President, the Federal Bureau of Prisons and any other necessary federal agency 4

OBSERVATION 4. ADVANTAGES 4

ADVANTAGE 1. Reduced crime through better use of funds. We see this in 2 sub-points 4

A. The Savings. The Barber Amendment saves $1.2 billion to be redirected to prisoner re-entry programs 4

B. The Impact: Less crime. Increased vocational training would reduce prisoners re-offending after release 5

ADVANTAGE 2. Reduced crime through better prisoner behavior 5

Studies in New York and Washington state found that expanding good time sentencing reduction motivated better behavior after release 5

ADVANTAGE 3. Safer Prison Conditions. We see this in 3 sub-points 5

A. Overcrowded. The Federal prison system is at 103% capacity 5

B. Understaffed. Violence and deaths are occurring in federal prisons because staffing is insufficient for the prison population 6

C. Barber is better. The Barber amendment provides at least 10% or more reduction in federal prison population 6

BACKGROUND / DEFINITIONS 7

Why is it called the “Barber Amendment” 7

Barber Amendment would raise good time sentence reduction opportunity from 54 to 128 days per year 7

Barber Amendment would be retroactive 7

INHERENCY 7

First Step Act expanded good time a little bit by redefining how the 54 days are calculated 7

HARMS / SIGNIFICANCE 8

A/T “Prison overcrowding is going away in Status Quo” – No, Biden is reversing the trend. It’s going back up again 8

Prison overcrowding is devastating 8

Overcrowding leads to more Covid infections 8

Impact to higher prison population: More Covid deaths 8

In a best case scenario, overcrowding prevents prisons from fulfilling their function 9

Mass incarceration is damaging to our entire nation 9

Recidivism is incredibly expensive 9

Reducing recidivism benefits society as well as individuals involved 9

SOLVENCY / ADVOCACY / ADVANTAGES 10

“Good time” has a long history of success in many states 10

Washington State example shows good time reduces overcrowding, saves money, and motivates good behavior, making prisons safer 10

Recidivism Studies show good time promotes public safety and cost savings 10

Barber Amendment relieves overcrowding and staff shortages 10

Reduction of overcrowding is necessary to reduce prisoner vulnerability 11

Barber will result in $1.2 billion saved (based on similar proposed legislation) 11

Congressional Research Service suggested Barber Amendment-type reform as a way to reduce prison overcrowding 11

Lowering prison population is the answer to reducing BOP costs 11

Rewarding good behavior with reduced sentence is always desirable 12

California study: Early release can improve public safety 12

DISAD RESPONSES 12

A/T “Higher crime rate if we let some people out of prison” 12

No risk to public safety with the Barber Amendment 12

Past precedent: Reducing crack cocaine sentences in 2010 sent home over 12,000 federal inmates. Nothing bad happened 13

Increased incarceration doesn’t lead to decreased crime 13

Incarceration doesn’t change crime rates 13

Many Federal Inmates Aren’t Dangerous 14

Most of them are harsh sentences for drug offenses 14

A/T “Shorter sentences won’t deter crime like long sentences” 15

Shorter sentences conditioned on good behavior deter crime just as much as longer sentences, because good behavior is difficult 15

Extra-long sentences don’t deter crime because people “age out” of crime. Older prisoners are no longer interested in criminal behavior 15

Time for a Trim: Reduced Time / Barber Amendment

Mass incarceration yields no benefits at a high cost. It is past time for us to change the way that we approach the prison system. Please join us in affirming that: The United States Federal Government should significantly reform its policies regarding convicted prisoners under federal jurisdiction.

OBSERVATION 1. DEFINITIONS

Significant

Merriam Webster Online Dictionary copyright 2021. <https://www.merriam-webster.com/dictionary/significant> (accessed 26 June 2021)

2 a: having or likely to have [influence](https://www.merriam-webster.com/dictionary/influence#h1) or effect

Reform

Merriam Webster Online Dictionary copyright 2021 <https://www.merriam-webster.com/dictionary/reform> (accessed 28 May 2021)

**:**to put or change into an improved form or condition

OBSERVATION 2. INHERENCY, the structure of the Status Quo. 3 Key Facts:

FACT 1. 54 Days.

For every year of good behavior, federal prisoners earn 54 days off their sentence under current law

Defender Services Office 2020 (an agency of the federal court system; they provide free defense attorneys to defendants who cannot afford an attorney) “Helpful Chart of First Step Act Earned Time Credits” 10 Jan 2020 <https://www.fd.org/news/helpful-chart-first-step-act-earned-time-credits> (accessed 31 Oct 2021)

Good time credit results in an actual reduction of an inmate's sentence and awarded for maintaining good behavior during incarceration.  All incarcerated persons, other than those serving a life sentence, are eligible for good time credit.  The First Step Act amended 18 U.S.C. Section 3624(b) so that federal prisoners can earn up to 54 days of good time credit for every year of their imposed sentence rather than for every year of their sentenced served.

FACT 2. The Barber Amendment

The Barber Amendment would raise good conduct reductions from 54 days to 128 days per year

Christopher Zoukis, Zoukis Consulting Group, 2013 (recipient of numerous awards for his writing and criminal justice reform advocacy) May 28th, 2013, “The Barber Amendment: FedCURE’s Method of Reducing Costs and Overcrowding in the Federal Bureau of Prisons” <https://prisonerresource.com/barber-amendment-fedcures-method-reducing-costs-overcrowding-federal-bureau-prisons/> (accessed 28 October 2021)

Currently, federal inmates statutorily receive 54 days of good conduct time for each year served. The Barber Amendment would revise Title 18 U.S.C. § 3624(b)(1) as follows:
The existing 54 days of applicable good conduct time a year would be increased to 128 days of applicable good conduct time. This would increase the number of days federal inmates receive off their sentence each year for good conduct.

FACT 3. 156,000 federal prisoners

The Bureau of Prisons published a chart that says Quote “156,098 total Federal inmates – last updated October 28, 2021”

Snapshot of the Federal Bureau of Prisons webpage, accessed on 31 Oct 2021 https://www.bop.gov/about/statistics/population\_statistics.jsp;



OBSERVATION 3. We offer the following PLAN implemented by Congress, the President, the Federal Bureau of Prisons and any other necessary federal agency

1. Congress passes the Barber Amendment. Title 18 U.S. Code Section 3624(b)(1) is amended to increase the number of good conduct reduction days available to federal prisoners from 54 to 128 for every year of their sentence.

2. Funding through existing budgets of existing agencies, with money saved redirected to expanding existing federal prisoner re-entry vocational training programs.
3. Enforcement through the Bureau of Prisons and the federal courts through existing means.
4. Plan takes effect 30 days after an affirmative ballot.
5. All Affirmative speeches may clarify.

OBSERVATION 4. ADVANTAGES

ADVANTAGE 1. Reduced crime through better use of funds. We see this in 2 sub-points

A. The Savings. The Barber Amendment saves $1.2 billion to be redirected to prisoner re-entry programs

FedCURE (**Citizens United for Rehabilitation of Errants** **Federal Prison Chapter) 2013.**  (federal prison reform advocacy group chaired by Mark Varca, J.D. ) “The BARBER AMENDMENT ~ 117th Congress” <http://www.fedcure.org/documents/HR1475.shtml> (accessed 31 Oct 2021)

FedCURE is calling on the President and Members of Congress to enact the [BARBER AMENDMENT](http://www.fedcure.org/documents/HR1475.shtml) ~ a proposed bill to increase federal good time allowances ~ to safely reduce the federal prison population by at least 10%, with out disrupting release or reentry processes and public safety, at a cost saving's of $1.2 billion dollars annually. These savings on incarceration can be redirected (within in the bureau's budget) to reentry.

B. The Impact: Less crime. Increased vocational training would reduce prisoners re-offending after release

Kevin A. Ring and Molly Gill 2017. (Ring - President of Families Against Mandatory Minimums. Gill - Director of Federal Legislative Affairs Families Against Mandatory Minimums) USING TIME TO REDUCE CRIME: Federal Prisoner Survey Results Show Ways to Reduce Recidivism, June 2017 <https://www.prisonpolicy.org/scans/famm/Prison-Report_May-31_Final.pdf> (accessed 6 Nov 2021)

FINDING: Vocational Training (VT) is popular and coveted, but is limited and offered only to prisoners who are close to their release dates. The Charles Colson Task Force on Federal Corrections studied the BOP’s vocational training and stated the following: “Lengthy waitlists indicate that BOP needs to immediately expand occupational training and educational programs.” Our respondents echoed this conclusion. Given the potential for vocational training to help prisoners find jobs and thus reduce the likelihood that they will reoffend, Congress and the administration should expand meaningful vocational training opportunities in all BOP institutions.

ADVANTAGE 2. Reduced crime through better prisoner behavior

Studies in New York and Washington state found that expanding good time sentencing reduction motivated better behavior after release

Prof. Michael M. O'Hear 2015, (professor at Marquette University Law School) “Let the Good Time Roll: Early Release for Good Behavior in Prison” <https://scholarship.law.marquette.edu/cgi/viewcontent.cgi?article=1655&context=facpub> (accessed 6 Nov 2021)

For instance, in 1997, the New York Legislature established a new good-time program that allowed certain inmates to earn up to a one-sixth reduction in sentence length. By 2006, the program had saved taxpayers an estimated $387 million. Additionally, the early-release inmates were found to have lower recidivism rates than nearly all other comparison groups. Similarly, analysis conducted after Washington expanded its good-time program in 2003 revealed small, but statistically significant, reductions in the recidivism rates. Overall, researchers calculated that the benefits of expanded good time far outweighed the costs, with about $1.88 in benefits for each $1 in cost.

ADVANTAGE 3. Safer Prison Conditions. We see this in 3 sub-points

A. Overcrowded. The Federal prison system is at 103% capacity

Aaron Nolan, NewsNation, 2021 (journalist) “America’s prisons and jails: overcrowded and understaffed” August 10th, 2021 <https://www.newsnationnow.com/us-news/americas-prisons-and-jails-overcrowded-and-understaffed/> (accessed October 26th, 2021)

The federal prison system is running at 103% capacity. With the delta variant surging, there’s nowhere to be socially distant.

B. Understaffed. Violence and deaths are occurring in federal prisons because staffing is insufficient for the prison population

The Associated Press, 2021 (Independent American non-profit news agency)“Federal prisons forced to use cooks, nurses to guard inmates due to staff shortages” May 21, 2021 <https://www.nbcnews.com/news/us-news/federal-prisons-forced-use-cooks-nurses-guard-inmates-due-staff-n1268138> (accessed October 26th, 2021)

Nearly one-third of federal correctional officer jobs in the United States are vacant, forcing prisons to use cooks, teachers, nurses and other workers to guard inmates. At a federal penitentiary in Texas, prisoners are locked in their cells on weekends because there are not enough guards to watch them. Elsewhere in the system, fights are breaking out, several inmates have escaped in recent months and, in Illinois, at one of the most understaffed prisons in the country, five inmates have died in homicides or suicides since March 2020. Overworked employees are burning out quickly and violent encounters are being reported on a near-daily basis. At a prison in Illinois, there are so few staff that officers are sometimes forced to work 60 hours of overtime in a week. At a facility in California, a fight broke out among inmates soon after a teacher was sent to fill in as an officer.

C. Barber is better. The Barber amendment provides at least 10% or more reduction in federal prison population

Christopher Zoukis, Zoukis Consulting Group, 2013 (recipient of numerous awards for his writing and criminal justice reform advocacy) May 28th, 2013, “The Barber Amendment: FedCURE’s Method of Reducing Costs and Overcrowding in the Federal Bureau of Prisons” <https://prisonerresource.com/barber-amendment-fedcures-method-reducing-costs-overcrowding-federal-bureau-prisons/> (accessed October 28th, 2021)(brackets in original)

In a recent email from Jack Donson, FedCURE’s Director of Programs and Case Management, he states, “FedCURE is calling on the President and Members of Congress to enact the BARBER AMENDMENT — a proposed bill to increase federal good [conduct] time allowances – that would safely reduce the federal prison population by at least 10%[.]” Other sources estimate higher reductions.

2A Evidence: Barber Amendment

BACKGROUND / DEFINITIONS

Why is it called the “Barber Amendment”

Walter Pavlo for Forbes Magazine 2013 (nationally recognized speaker who lectures on all aspects of white collar crime and federal law enforcement. Co-founder and president of Prisonology, an expert testimony, consulting and training firm for issues on the Federal Bureau of Prisons) Feb 21, 2013 “Here's an Idea To Reduce The Deficit - Release Some Federal Inmates” <https://www.forbes.com/sites/walterpavlo/2013/02/21/heres-an-idea-to-reduce-the-deficit-release-some-federal-inmates/?sh=143cc88722ce> (accessed 22 October 2021).

The amendment got its name from the case *Barber et al v. Thomas, Warden*, which sought to define how Good Time was calculated. FedCURE's amendment to Title 18 U.S.C. would have the affect of moving "Good Time" from 54 days/year to 128 days/year, and that, according to FedCURE's chairman Mark Varca, would save the U.S. government $1.2 billion/year. A lot of money.

Barber Amendment would raise good time sentence reduction opportunity from 54 to 128 days per year

Christopher Zoukis, Zoukis Consulting Group, 2013 (recipient of numerous awards for his writing and criminal justice reform advocacy) May 28th, 2013, “The Barber Amendment: FedCURE’s Method of Reducing Costs and Overcrowding in the Federal Bureau of Prisons” <https://prisonerresource.com/barber-amendment-fedcures-method-reducing-costs-overcrowding-federal-bureau-prisons/> (accessed October 28th, 2021)(brackets added)

[FedCURE’s Director of Programs and Case Management, Jack] Donson’s recommendation is to increase the amount of time federal inmates receive off their sentences for good behavior. Currently, federal inmates statutorily receive 54 days of good conduct time for each year served. The Barber Amendment would revise Title 18 U.S.C. § 3624(b)(1) as follows:

~The existing 54 days of applicable good conduct time a year would be increased to 128 days of applicable good conduct time. This would increase the number of days federal inmates receive off their sentence each year for good conduct.

Barber Amendment would be retroactive

Christopher Zoukis, Zoukis Consulting Group, 2013 (recipient of numerous awards for his writing and criminal justice reform advocacy) May 28th, 2013, “The Barber Amendment: FedCURE’s Method of Reducing Costs and Overcrowding in the Federal Bureau of Prisons” <https://prisonerresource.com/barber-amendment-fedcures-method-reducing-costs-overcrowding-federal-bureau-prisons/> (accessed October 28th, 2021)

The Amendment would be retroactive. This means that anyone incarcerated within the Federal Bureau of Prisons would not only receive the additional good conduct time now and in the future, but would have additional good conduct time added for the time they have already served. This would only be for periods of time in which they qualified for full application of existing good conduct time.

INHERENCY

First Step Act expanded good time a little bit by redefining how the 54 days are calculated

Bureau of Prisons, 2018. “An Overview of the First Step Act” No Date (Act was passed in 2018) <https://www.bop.gov/inmates/fsa/overview.jsp> (accessed October 26th, 2018

The Act amended 18 U.S.C. § 3624(b) so that federal inmates can earn up to 54 days of good time credit for every year of their imposed sentence rather than for every year of their sentence served. For example, this change means that an offender sentenced to 10 years in prison and who earns the maximum good time credits each year will earn 540 days of credit.

HARMS / SIGNIFICANCE

A/T “Prison overcrowding is going away in Status Quo” – No, Biden is reversing the trend. It’s going back up again

Samantha Michaels 2021 (journalist) 21 July 2021 “Biden Said He’d Cut Incarceration in Half. So Far, the Federal Prison Population Is Growing.” <https://www.motherjones.com/crime-justice/2021/07/biden-said-hed-cut-incarceration-in-half-so-far-the-federal-prison-population-is-growing/> (accessed 22 July 2021)

During his campaign, President Joe Biden pledged repeatedly to reduce the country’s prison population, which, because of racist policing and sentencing laws, is disproportionately composed of people of color. At one point, he said his administration could cut the number of incarcerated people by [more than half](https://www.buzzfeednews.com/article/katherinemiller/joe-biden-incarceration-prison-population-cut-aclu), largely by investing in alternatives to prisons. Later he said he didn’t want to be bound by a percentage, but he reiterated that he hoped to drastically lower the number of people locked up. But six months into his term, those promises are ringing hollow. The number of people in federal prisons [is growing](https://sentencing.typepad.com/sentencing_law_and_policy/2021/07/federal-prison-population-starting-to-grow-again-as-we-approach-six-months-into-biden-administration.html). And Biden’s legal team recently announced that thousands of people who were released early from federal prisons last year to slow the spread of the coronavirus could be forced to return again after the pandemic ends.

Prison overcrowding is devastating

American Civil Liberties Union, 2021 (a nonprofit organization founded in 1920 "to defend and preserve the individual rights and liberties guaranteed to every person in this country by the Constitution and laws of the United States") “Overcrowding and Other Threats to Health and Safety” Updated 2021 <https://www.aclu.org/issues/prisoners-rights/cruel-inhuman-and-degrading-conditions/overcrowding-and-other-threats-health> (accessed October 26th, 2021)

Prison overcrowding leads to increased violence, the inability to provide necessary medical care and other essential services, and degrading practices like requiring prisoners to sleep on the floor. Many prisons and jails expose prisoners to dangerous environmental conditions like extreme heat or cold, contaminated food, and a lack of basic sanitation.

Overcrowding leads to more Covid infections

Eric Reinhart, Health Affairs, 2021 (lead health and justice systems researcher at Data and Evidence for Justice Reform, the World Bank) “How Mass Incarceration Makes Us All Sick” May 28th, 2021 <https://www.healthaffairs.org/do/10.1377/hblog20210526.678786/full/> (accessed October 26th, 2021)

The COVID-19 pandemic has provided an unusually stark illustration of the long-standing harms of America’s policing and incarceration practices. There are few better infectious disease incubators than US carceral facilities, where there have been at least 661,000 COVID-19 cases. Due to political refusals to adequately address overcrowding, poor health care, and poor living conditions, incarcerated people in jails and prisons have been at 5.5 times greater documented risk of SARS-CoV-2 infection and 3.0 times the risk of death relative to those in the general population. But these figures are almost certainly considerable underestimates. No one knows the real number of COVID-19 cases and deaths in jails and prisons because there exists no reliable system for collecting data, ensuring proper testing protocols, or supervising conditions inside a system well-known for human rights abuses, perverse incentives, and coverups.

Impact to higher prison population: More Covid deaths

Aaron Nolan, NewsNation, 2021 (journalist) “America’s prisons and jails: overcrowded and understaffed” August 10th, 2021 <https://www.newsnationnow.com/us-news/americas-prisons-and-jails-overcrowded-and-understaffed/> (accessed October 26th, 2021)

Outside of the population problems, there are COVID-19 concerns. The Prison Policy Institute told NewsNation more people equal more infections, and more infections equal higher death rates.

In a best case scenario, overcrowding prevents prisons from fulfilling their function

Penal Reform International 2012 (a non-governmental organization working globally to promote criminal justice systems that uphold human rights for all and do no harm) “Overcrowding” (article is undated but references a publication written in Feb 2012), <https://www.penalreform.org/issues/prison-conditions/key-facts/overcrowding/> (accessed October 26th, 2021)

Prison overcrowding is one of the key contributing factors to poor prison conditions around the world. It is also arguably the biggest single problem facing prison systems and its consequences can at worst be life-threatening at best prevent prisons from fulfilling their proper function.

Mass incarceration is damaging to our entire nation

Tony Brown, Evelyn Patterson, The New Republic, 2021 (Brown: teaches sociology at Rice. Patterson: teaches at Vanderbilt University, expert on the U.S. judicial system)“6 Long-Term Effects of America's Mass Incarceration Crisis” <https://newrepublic.com/article/134712/wounds-incarceration-never-heal> Retrieved October 25, 2021

Allowed to continue unreformed, mass incarceration will shape our nation in ways that should repulse anyone who values the correlated concepts of freedom and redemption. Unless we consider mass incarceration a moral and policy failure, it will splinter already fragile families and communities. That will ultimately hurt our entire nation.

Recidivism is incredibly expensive

Brian Matthews, 2020 (has served as the president of Appriss Insights since 2019. He is responsible for developing and executing growth strategy for the business, with an overall focus on saving lives, preventing fraud, and reducing insider risk.) “Why is Recidivism so Common?” February 25th, 2020 <https://blog.apprissinsights.com/why-is-recidivism-so-common> (accessed October 26th, 2021)

One 2018 study suggested the cost of a single recidivism event to be more than $150,000. Several factors make up this total:

Taxpayers incur significant direct costs to support the imprisonment, court proceedings, and justice personnel involved.

Victimization is physically, mentally, and spiritually traumatic. It is important that survivors seek comprehensive treatment to facilitate healing. On top of such necessary and costly treatment strategies, survivors often suffer lost earnings due to the various consequences of the crime.

Finally, there are a number of indirect costs related to economic output. For example, there is an opportunity cost for taxpayer dollars spent on the criminal justice system; that dollar could be spent on a program that creates economic growth, or it could be eliminated from the tax burden entirely.

Reducing recidivism benefits society as well as individuals involved

New World Encyclopedia, July 2019 “Recidivism” <https://www.newworldencyclopedia.org/p/index.php?title=Recidivism&oldid=1022334> (accessed October 28th, 2021)

Recidivism is a relapse into a previous condition or mode of behavior, most frequently used in conjunction with substance abuse and criminal behavior. Ultimately, the goals of both the penal system and substance abuse treatment are similar: Both seek to eradicate illegal and/or socially destructive behavior. Thus, their aim is a zero recidivism rate. Elimination, or at least reduction, of recidivism not only benefits the individuals involved, who are able to maintain a lifestyle that conforms to social norms, but also benefits society as a whole.

SOLVENCY / ADVOCACY / ADVANTAGES

“Good time” has a long history of success in many states

Prof. Michael M. O'Hear 2015, (professor at Marquette University Law School) “Let the Good Time Roll: Early Release for Good Behavior in Prison” <https://scholarship.law.marquette.edu/cgi/viewcontent.cgi?article=1655&context=facpub> (accessed 22 October, 2021)

Across the country, blue states and red states alike are adopting reforms to address the fiscal and human costs of mass incarceration. Good time is certainly not the only potential reform in the mix, but it is a device with a long history of success in many states.

Washington State example shows good time reduces overcrowding, saves money, and motivates good behavior, making prisons safer

Prof. Michael M. O'Hear 2015, (professor at Marquette University Law School) “Let the Good Time Roll: Early Release for Good Behavior in Prison” <https://scholarship.law.marquette.edu/cgi/viewcontent.cgi?article=1655&context=facpub> (accessed 22 October, 2021)

Good-time programs such as Washington's offer the potential of reducing prison overcrowding and taxpayer costs by accelerating the release dates of inmates whose good performance in prison indicates rehabilitative progress and diminished recidivism risk. Good time may also provide stronger incentives for inmates to take advantage of programming and employment opportunities in prison and may improve prison discipline and safety, thereby providing important benefits for inmates and corrections officers alike.

Recidivism Studies show good time promotes public safety and cost savings

DORA SCHRIRO, 2009 (EDD, JD, Director of the Arizona Department of Corrections) “Is Good Time a Good Idea? A Practitioner's Perspective” February 2009 <https://www.jstor.org/stable/10.1525/fsr.2009.21.3.179> (accessed 22 October 2021)

Recidivism studies suggest that good time is a viable strategy for promoting public safety and cost savings, specifically when it is awarded to inmates whose satisfactory resolution of needs and management of risk warrant special consideration. In 1996, the U.S. Bureau of Prisons evaluated the impact of its Intensive Confinement Center on recidivism of program participants with other eligible inmates; it determined that graduates had a lower risk of rearrest when compared to the control group and to inmates who failed to complete the program. This evaluation revealed that the rearrest rate was highest for those inmates not completing the program (at 33.3 percent) and was lowest for graduates (at 13 percent).

Barber Amendment relieves overcrowding and staff shortages

Citizens United for Rehabilitation of Errants Federal Prison Chapter 2013 (Advocacy on behalf of the federal inmate population is the central focus of Federal CURE, Incorporated (FedCURE)) “The Barber Amendment ~ 117th Congress” <http://www.fedcure.org/documents/HR1475.shtml> (accessed 22 October 2021)

\* The BARBER AMENDMENT allows the Federal Bureau of Prisons (BOP) to maintain correctional worker staffing and help relieve overcrowding of prisons.

\* The Federal Bureau of Prisons has a budget that exceeds $6.8 billion dollars a year. After the FBI, the BOP has the largest budget of any unit in the Department of Justice.

\* The BARBER AMENDMENT saves taxpayers $1.2 billion dollars per year on incarceration cost, that can be redirected to reentry.

Reduction of overcrowding is necessary to reduce prisoner vulnerability

Stéphanie Baggio, Nicolas Peigné, Patrick Heller, Laurent Gétaz, Michael Liebrenz and Hans Wolff 2020 (authors are from the divisions of Prison Health, Adult Psychiatry, and Tropical Humanitarian Medicine at Geneva University Hospitals. Liebrenz and Baggio are also part of the Institute of Forensic Medicine at the University of Bern) Frontiers In Psychiatry, “Do Overcrowding and Turnover Cause Violence in Prison?” January 24th, 2020 <https://www.frontiersin.org/articles/10.3389/fpsyt.2019.01015/full> (accessed October 26th, 2021)

Overall, our study highlighted that institutional prison factors might have notable detrimental effects on prison life and adjustment to prison life. Reduction of prison overcrowding and turnover appear critical to reduce prisoners’ vulnerability and they should not be neglected. These detrimental effects may be even worse for especially vulnerable people living in detention (e.g., those in bad health or having severe psychiatric disorders, older people). Even if these factors are not easily modifiable, future prison policies should be developed to promote prisoners’ health and rehabilitation. Indeed, (violent) misconduct is associated with increased recidivism.

Barber will result in $1.2 billion saved (based on similar proposed legislation)

Citizens United for Rehabilitation of Errants Federal Prison Chapter 2013 (Advocacy on behalf of the federal inmate population is the central focus of Federal CURE, Incorporated (FedCURE) “The Barber Amendment ~ 117th Congress” <http://www.fedcure.org/documents/HR1475.shtml> (accessed 22 October 2021)

Sadly, while the bureau and DOJ argue for relief, the President's Budget or FY 2014, once again submits an unrealistic proposal to address crowding with a miniscule budget offset of "$41 million for a proposed legislative initiative, which, if passed, would allow additional Good Conduct Time credit for inmates." This is the same proposal to increase Good Conduct Time credit by a mere seven (7) days a year, that Congress turned down in the President's Budget for FY2012 and FY2013, as "unrealistic," meaning that a seven day increase as a $41 million dollar offset, does little to safely reduce the growth of the federal prison population. BARBER, on the other hand, is a truly realistic legislative reform, installing a system wide "Relief Valve '' and as a $1.2 billion dollar annual austerity sentencing bill.

Congressional Research Service suggested Barber Amendment-type reform as a way to reduce prison overcrowding

Christopher Zoukis, Zoukis Consulting Group, 2013 (recipient of numerous awards for his writing and criminal justice reform advocacy) May 28th, 2013, “The Barber Amendment: FedCURE’s Method of Reducing Costs and Overcrowding in the Federal Bureau of Prisons” <https://prisonerresource.com/barber-amendment-fedcures-method-reducing-costs-overcrowding-federal-bureau-prisons/> (accessed October 28th, 2021)

The Congressional Research Service recently released a report entitled “The Federal Prison Population Buildup: Overview, Policy Changes, Issues, and Options” which offers agreement that something needs to be done concerning the staggering increase in the federal prison population. Criticizing the “historically unprecedented increase in the federal prison population” the report suggests “changing or reversing some of the policies that have been put into place over the years which contributed to the increasing number of federal prison inmates.” In fact, the Barber Amendment falls clearly within one of the suggested areas for reform: expanding the amount of good conduct time credit an inmate can earn. It would roll back the federal good conduct time allowances to pre-1987 levels.

Lowering prison population is the answer to reducing BOP costs

Christopher Zoukis, Zoukis Consulting Group, 2013 (recipient of numerous awards for his writing and criminal justice reform advocacy) May 28th, 2013, “The Barber Amendment: FedCURE’s Method of Reducing Costs and Overcrowding in the Federal Bureau of Prisons” <https://prisonerresource.com/barber-amendment-fedcures-method-reducing-costs-overcrowding-federal-bureau-prisons/> (accessed October 28th, 2021)

With billions upon billions of dollars being squandered every year on a broken system of criminal justice, the question then becomes, how do we reduce the costs of the Federal Bureau of Prisons? The short, and fairly simple answer, is to reduce the number of federal inmates we incarcerate.

Rewarding good behavior with reduced sentence is always desirable

Bethany Augliere, 2015 (intern for Stanford News Service) October 6th, 2015, Stanford News“Rewarding good behavior of prisoners is a benefit to society, Stanford expert says” <https://news.stanford.edu/2015/10/06/prisoners-early-release-101615/> (accessed October 27th, 2021)

In any penal system, controlling the misbehavior of prisoners is challenging and costly. However, reducing the operational costs of prisons is possible when good behavior is rewarded, a Stanford professor says.

It is always socially desirable to reward good behavior with either a reduced sentence or parole, according to Stanford’s A. Mitchell Polinsky, an economist and director of the John M. Olin Program in Law and Economics.

“In addition to addressing the problem of overcrowding, my analysis shows that there is an overall benefit to society from rewarding prisoners for good behavior. I believe this system could be beneficial in all countries,” Polinsky said.

California study: Early release can improve public safety

Clifton Parker, Stanford News Service, 2015 November 2nd, 2015 “California's early release of prisoners proving effective so far, Stanford experts say” <https://news.stanford.edu/news/2015/november/prison-early-release-110215.html> (accessed October 27th, 2021)

Reforming California's criminal justice system with the early release of prisoners is a step in the right direction, according to Stanford law experts who see a larger problem in America's approach to incarceration.

"In the long term, this reallocation of resources should significantly improve public safety," said Michael Romano, the director and co-founder of the Stanford Justice Advocacy Project, which last week released a report on the early release program.

DISAD RESPONSES

A/T “Higher crime rate if we let some people out of prison”

No risk to public safety with the Barber Amendment

Citizens United for Rehabilitation of Errants Federal Prison Chapter 2013 (Advocacy on behalf of the federal inmate population is the central focus of Federal CURE, Incorporated (FedCURE)) “The Barber Amendment ~ 117th Congress” <http://www.fedcure.org/documents/HR1475.shtml> (accessed 22 October 2021)

The BARBER AMENDMENT would greatly contribute to the healing of our economy and the healing of our nation. There are almost 219,000 people incarcerated in federal prison today and the majority of these are first time non violent offenders, whom under current Federal Bureau of Prisons and U.S. Probation Office procedures, can be safely released via increased good time allowances, with no disruption to release and reentry processes and public safety.

Past precedent: Reducing crack cocaine sentences in 2010 sent home over 12,000 federal inmates. Nothing bad happened

Walter Pavlo for Forbes Magazine 2013 (nationally recognized speaker who lectures on all aspects of white collar crime and federal law enforcement. Co-founder and president of Prisonology, an expert testimony, consulting and training firm for issues on the Federal Bureau of Prisons) Feb 21, 2013 “Here's an Idea To Reduce The Deficit - Release Some Federal Inmates” <https://www.forbes.com/sites/walterpavlo/2013/02/21/heres-an-idea-to-reduce-the-deficit-release-some-federal-inmates/?sh=143cc88722ce> (accessed 22 October 2021) Brackets added.

Mass release of inmates is not unprecedented. "People screamed that there would be shooting in the streets when the crack cocaine laws were changed," [FedCURE chairman Matt] Varca said in an interview I had with him last week, "over 12,000 inmates were released as a result, and guess what? Nothing happened." Varca was referring to the Fair Sentencing Act, signed into law by President Obama in 2010, which was designed to reduce the disparity between the mandatory minimums for crack cocaine offenses as compared to powder cocaine offenses. Thousands of inmates were released as a result and the Supreme Court recently said that thousands more, those who were convicted before the act was passed but sentenced after it, will also be going home earlier than they thought.

Increased incarceration doesn’t lead to decreased crime

Dr. Don Stemen, Vera Institute of Justice, 2017 (associate professor and chairperson in the Department of Criminal Justice and Criminology and a member of the Graduate Faculty at Loyola University, Chicago. Received his PhD in law and society from the Institute for Law and Society at New York University in 2007) July 2017 “The Prison Paradox: More Incarceration Will Not Make Us Safer” <https://www.vera.org/downloads/publications/for-the-record-prison-paradox_02.pdf> (accessed 22 October 2021)

Despite two decades of declining crime rates and a decade of efforts to reduce mass incarceration, some policymakers continue to call for tougher sentences and greater use of incarceration to reduce crime. It may seem intuitive that increasing incarceration would further reduce crime: incarceration not only prevents future crimes by taking people who commit crime “out of circulation” (incapacitation), but it also may dissuade people from committing future crimes out of fear of punishment (deterrence). In reality, however, increasing incarceration rates has a minimal impact on reducing crime and entails significant costs:

 › Increases in incarceration rates have a small impact on crime rates and each additional increase in incarcer-

ation rates has a smaller impact on crime rates than previous increases.

 › Any crime reduction benefits of incarceration are limited to property crime. Research consistently shows that

higher incarceration rates are not associated with lower violent crime rates.

 › Incarceration may increase crime in certain circumstances. In states with high incarceration rates and

neighborhoods with concentrated incarceration, the increased use of incarceration may be associated with

increased crime.

Incarceration doesn’t change crime rates

Peter K. Enns, Washington Post, 2016 (Associate Professor in the Department of Government at Cornell University, New York and former Faculty Director of Cornell's Prison Education Program) “Wonder why prisons stay full when crime goes down? Here’s the real reason.” May 6th, 2016 <https://www.washingtonpost.com/news/monkey-cage/wp/2016/05/06/wonder-why-prisons-stay-full-when-crime-goes-down-heres-the-real-reason/> (accessed October 27th, 2021)

Crime and punishment — and specifically, the United States’ high rates of incarceration — have been in the news lately. In the presidential campaign, protesters have demanded an accounting for the 1994 Crime Bill, which President Bill Clinton signed, former secretary of state Hillary Clinton supported, and Sen. Bernie Sanders voted for. Presumptive GOP presidential nominee Donald Trump has drawn a distinction between punishing violent crimes and nonviolent crimes. And we have seen bipartisan efforts in Congress to scale back mass incarceration.

But most people — scholars, policymakers, and involved citizens alike — misunderstand the relationship between crime and punishment. The conventional wisdom has it that when crime goes up, we should see more people in prison, and when crime goes down, we should see fewer people in prison. But for two decades, as crime rates have plummeted the prison population has soared.

Many Federal Inmates Aren’t Dangerous

Walter Pavlo for Forbes Magazine 2013 (nationally recognized speaker who lectures on all aspects of white collar crime and federal law enforcement. Co-founder and president of Prisonology, an expert testimony, consulting and training firm for issues on the Federal Bureau of Prisons) Feb 21, 2013 “Here's an Idea To Reduce The Deficit - Release Some Federal Inmates” <https://www.forbes.com/sites/walterpavlo/2013/02/21/heres-an-idea-to-reduce-the-deficit-release-some-federal-inmates/?sh=143cc88722ce> (accessed 22 October 2021) Ellipses in original.

One would think that the crime rate would go up with the release of all of these inmates. That's probably not going to happen. First, 56.2% of federal inmates are categorized as low or minimum security, meaning that, in my mind, they pose minimal security risk to the general public. Of the total inmate population in the federal system, over 40,000 inmates are categorized as community custody, which means they can, and do, work outside of the prison. In fact, inmates even take buses and trains with the general public to move between prisons (Go Greyhound!). According to FedCure, 60,000 federal inmates are released each year (yep, they eventually do leave), so the flow of "bad guys" back into the general population has not led to more crime. One would even hope that they are better for the experience. It should be noted that of the number of inmates released annually, the U.S. is deporting 20,000 of them .... give them room and board for a decade, then send them home.

Most of them are harsh sentences for drug offenses

The Sentencing Project (non-profit advocating for an effective and fair criminal justice system) No Date, Copyright 2020 “The United States is the world’s leader in incarceration.” <https://www.sentencingproject.org/criminal-justice-facts/> (accessed October 28th, 2021)

Sentencing policies of the War on Drugs era resulted in dramatic growth in incarceration for drug offenses. Since its official beginning in the 1980s, the number of Americans incarcerated for drug offenses has skyrocketed from 40,900 in 1980 to 430,926 in 2019. Furthermore, harsh sentencing laws such as mandatory minimums keep many people convicted of drug offenses in prison for longer periods of time: in 1986, people released after serving time for a federal drug offense had spent an average of 22 months in prison. By 2004, people convicted on federal drug offenses were expected to serve almost three times that length: 62 months in prison.

At the federal level, people incarcerated on a drug conviction make up nearly half the prison population.

A/T “Shorter sentences won’t deter crime like long sentences”

Shorter sentences conditioned on good behavior deter crime just as much as longer sentences, because good behavior is difficult

Bethany Augliere, 2015 (intern for Stanford News Service) October 6th, 2015, Stanford News“Rewarding good behavior of prisoners is a benefit to society, Stanford expert says” <https://news.stanford.edu/2015/10/06/prisoners-early-release-101615/> (accessed October 27th, 2021)

It is always socially desirable to reward good behavior with either a reduced sentence or parole, according to Stanford’s A. Mitchell Polinsky, an economist and director of the John M. Olin Program in Law and Economics. As part of this study, Polinsky wanted to explore the relationship between rewarding prisoners and crime rates. Economists could argue that rewarding prisoners might encourage more crime because sentences are shorter, Polinsky said. There could be trade-offs, he said. “How much money can we save by lowering prison costs versus how much more crime will we cause to occur?” For example, Polinsky said, “You might think that if somebody is considering stealing a car, if they are caught, it is a four-year sentence rather than five if they behave well. So maybe more people will steal cars. “The reason why reducing sentences should not increase crime is because behaving well in prison is difficult.” There is a cost to behaving well, which Polinsky describes as putting oneself in a “psychological straightjacket.” A prisoner must refrain from certain misconduct, such as assaulting guards, refusing to perform work tasks and possessing drugs. As his study demonstrates, prisoners incur a cost by behaving well that creates additional deterrences to crime. They might be getting a one-year shorter sentence, but suffer the same overall “disutility” or unhappiness, said Polinsky.

Extra-long sentences don’t deter crime because people “age out” of crime. Older prisoners are no longer interested in criminal behavior

The Sentencing Project (non-profit advocating for an effective and fair criminal justice system) No Date, Copyright 2020 “The United States is the world’s leader in incarceration.” <https://www.sentencingproject.org/criminal-justice-facts/> (accessed October 28th, 2021)

Second, people tend to “age out” of crime. Research shows that crime starts to peak in the mid- to late- teenage years and begins to decline when individuals are in their mid-20s. After that, crime drops sharply as adults reach their 30s and 40s. The National Research Council study concludes: “Because recidivism rates decline markedly with age, lengthy prison sentences, unless they specifically target very high-rate or extremely dangerous offenders, are an inefficient approach to preventing crime by incapacitation.”