Generic Negative: Prison Overcrowding – not a problem

By “Coach Vance” Trefethen

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

Case Summary: A fair number of AFF plans have “prison overcrowding” as one of their harms or inherency points. This brief will be useful in refuting that for any of these cases, and will be especially valuable either in conjunction with an on-case NEG brief, or better than nothing if you don’t have an on-case brief.

Generic Negative: Prison Overcrowding – not a problem / solutions are worse 3

NEGATIVE PHILOSOPHY 3

Full prisons mean criminals aren’t loose 3

COUNTER GOAL & MINOR REPAIR 3

Counter-Goal: The most important goal of government is public safety 3

Minor Repair: If prisons really are overcrowded, build more prisons to protect public safety 3

Plenty of federal money available: Just increase enforcement of existing tax laws 3

INHERENCY – Federal prison population decreasing 4

1. Downward trend 4

Trend since 2017 is consistent decline in federal prison population 4

17% decline in federal prisoners since numbers peaked in 2011 4

2. The First Step Act of 2018 4

Federal prisoners serving shorter sentences since the First Step Act 4

First Step Act reducing the federal prison population 4

3. A/T “High US incarceration rate” 5

The US has higher incarceration rates than other countries because we have higher violent crime rates than other countries 5

No, the US doesn’t have the highest incarceration rate in the world. That would be China 5

4. A/T “Imprisoning parents harms children” so we should let them out early 5

Surprise: Criminals make bad parents, so the less time kids spend with them, the better 5

“Kids with parents in prison do poorly” - true, and not surprising – they’re bad parents. Ohio study finds troubled kids do better when their criminal parents are in prison 6

Methodology of the Ohio study and quantification: Having criminal parents in prison = 40% reduction in chance of child being incarcerated before age 25, compared to criminal parents not in prison 6

Ohio study finds kids with criminal parents in prison have slightly better socioeconomic status than when criminal parents are not in prison 6

Colombia and Norway studies confirm Ohio study results 7

5. A/T “Non-violent offenders” 7

Most drug offenders are violent and most violent offenders are drug offenders 7

Fewer than 1% of federal drug offenders are convicted of simple drug possession 7

SOLVENCY 7

Can’t solve “prison overcrowding” (in general) at the federal level. Only 11% of long-term prisoners are federal 7

DISADVANTAGES to early release 8

1. Justice violation. 8

Releasing prisoners undermines the purpose of criminal justice system: Condemning wrong behavior 8

The government has no right to punish criminals if the goal is anything other than justice 8

Any other goal besides giving what the criminal deserves hands the government the power of tyranny 8

2. More crime 9

Cutting prisoners loose just to reduce the prison population = more crime 9

Releasing “low level criminals” is bad because offenders think there’s no consequences to crime, so they commit worse crimes 9

We don’t have a mass incarceration problem, and the “solutions” would be disastrous for society 9

There is no alternative to prison that will prevent crime 9

Generic Negative: Prison Overcrowding – not a problem / solutions are worse

NEGATIVE PHILOSOPHY

Full prisons mean criminals aren’t loose

Dr. Robert E. Moffit and David Mulhausen 2000 (Moffit – PhD; director of domestic policy studies. Mulhausen – senior policy analyst. Both are with Heritage Foundation) 3 May 2000 “America's Prisons are Full . . . of Criminals” https://www.heritage.org/crime-and-justice/commentary/americas-prisons-are-full-criminals

We should not celebrate the fact that America's prisons are so full, but on balance it's not such a bad thing -- provided they're full of criminals.

COUNTER GOAL & MINOR REPAIR

Counter-Goal: The most important goal of government is public safety

**[Not: prisoner safety, prisoner comfort, prisoner rehabilitation, or “saving money”…]**

Dr. David Mulhausen 2004 (PhD; Research Fellow in Empirical Policy Analysis at Heritage Foundation) 4 Feb 2004 “The Problem With Prisons” <https://www.heritage.org/commentary/the-problem-prisons> (accessed 31 Oct 2021)

There is a lot of discussion in the country these days about the proper role and size of government. But all agree that providing for the public safety is its first and foremost job.

Minor Repair: If prisons really are overcrowded, build more prisons to protect public safety

Dr. David Mulhausen 2004 (PhD; Research Fellow in Empirical Policy Analysis at Heritage Foundation) 4 Feb 2004 “The Problem With Prisons” <https://www.heritage.org/commentary/the-problem-prisons> (accessed 31 Oct 2021)

In truth, America does not love prisons. We'd far rather neither have nor need them. But some of us clearly need to be in prison for the safety of the rest of us. As long as that's the case, we can, will and, indeed, must spend the money to do what it takes to incarcerate those people.

Plenty of federal money available: Just increase enforcement of existing tax laws

Galen Hendricks & Seth Hanlon 2021 (*Hendricks is a research associate at the Center for American Progress. Hanlon is a senior fellow at the Center* ) 19 Apr 2021 “Better Tax Enforcement Can Advance Fairness and Raise More Than $1 Trillion of Revenue” <https://www.americanprogress.org/issues/economy/reports/2021/04/19/498311/better-tax-enforcement-can-advance-fairness-raise-1-trillion-revenue/> (accessed 17 June 2021)

The good news is that Congress and the Biden administration have an opportunity this year to begin rebuilding the IRS’ enforcement capabilities, direct new resources toward thoroughly auditing high-income taxpayers and corporations, and modernize the agency’s computer systems in a way that will improve both compliance and taxpayer service. By taking these steps, the United States can increase revenues by more than $1 trillion over a decade, according to multiple estimates.  In other words, investments in tax enforcement would pay for themselves and could pay for other critical investments at the same time.

INHERENCY – Federal prison population decreasing

1. Downward trend

Trend since 2017 is consistent decline in federal prison population

John Gramlich 2021. (senior writer/editor at Pew Research Center) Under Trump, the federal prison population continued its recent decline 17 Feb 2021 <https://www.pewresearch.org/fact-tank/2021/02/17/under-trump-the-federal-prison-population-continued-its-recent-decline/> (accessed 30 Oct 2021)

The federal prison population, which declined for the [first time in decades](https://www.pewresearch.org/fact-tank/2017/01/05/federal-prison-population-fell-during-obamas-term-reversing-recent-trend/) under President Barack Obama, fell further during the administration of President Donald Trump. The number of federal prisoners sentenced to more than a year behind bars decreased by 5% (or 7,607 inmates) between 2017, Trump’s first year in office, and the end of 2019, the most recent year for which final data is available from the Bureau of Justice Statistics. Preliminary figures for 2020 show that the decline continued – and even accelerated – during Trump’s last full year in office, meaning that the overall reduction in inmates during his tenure will likely exceed 5% once final data is available.

17% decline in federal prisoners since numbers peaked in 2011

Dr. Nazgol Ghandnoosh 2020 (PhD in sociology; Senior Research Analyst at The Sentencing Project, a non-profit research & advocacy group ) 19 May 2020 “U.S. Prison Decline: Insufficient to Undo Mass Incarceration” <https://www.sentencingproject.org/publications/u-s-prison-decline-insufficient-undo-mass-incarceration/> (accessed 30 Oct 2021)

All but six states have reduced their prison populations since reaching their peak levels. For twenty-five states, the reduction in imprisonment levels was less than 10%. The federal prison population was downsized by 17% relative to its peak level in 2011.

2. The First Step Act of 2018

Federal prisoners serving shorter sentences since the First Step Act

John Gramlich 2021. (senior writer/editor at Pew Research Center) Under Trump, the federal prison population continued its recent decline 17 Feb 2021 <https://www.pewresearch.org/fact-tank/2021/02/17/under-trump-the-federal-prison-population-continued-its-recent-decline/> (accessed 30 Oct 2021)

His Justice Department [quickly reversed](https://www.nytimes.com/2017/05/12/us/politics/attorney-general-jeff-sessions-drug-offenses-penalties.html) the Obama-era policy of seeking lighter sentences for some criminal suspects, and Trump granted [far fewer acts of clemency](https://www.pewresearch.org/fact-tank/2021/01/22/trump-used-his-clemency-power-sparingly-despite-a-raft-of-late-pardons-and-commutations/) than nearly every other modern president. At the same time, Trump signed into law the [First Step Act](https://www.bop.gov/inmates/fsa/overview.jsp), a significant overhaul of criminal justice policies aimed in part at reducing the federal prison population. In its first year, the law led to shorter sentences for thousands of federal offenders and earlier release dates for many others, according to a [2020 report](https://www.ussc.gov/research/research-reports/first-step-act-2018-one-year-implementation) from the U.S. Sentencing Commission.

First Step Act reducing the federal prison population

John Gramlich 2021 (senior writer/editor at Pew Research Center) 16 Aug 2021 “America’s incarceration rate falls to lowest level since 1995” <https://www.pewresearch.org/fact-tank/2021/08/16/americas-incarceration-rate-lowest-since-1995/> (accessed 30 Oct 2021)

Changes in criminal laws, as well as prosecution and judicial sentencing patterns, also likely play a role in the declining incarceration rate and number of people behind bars. In late 2018, for example, then-President Donald Trump signed a law aimed at [reducing the federal prison population](https://www.abajournal.com/magazine/article/the-status-of-criminal-justice-reform-one-year-later). In its first year, the law led to shorter sentences for thousands of federal offenders and earlier release dates for many others, according to a [2020 report](https://www.ussc.gov/research/research-reports/first-step-act-2018-one-year-implementation) from the U.S. Sentencing Commission.

3. A/T “High US incarceration rate”

The US has higher incarceration rates than other countries because we have higher violent crime rates than other countries

Rafael Mangual 2019 (J.D.; senior fellow and head of research for the [Policing and Public Safety Initiative](https://www.manhattan-institute.org/policing) at the Manhattan Institute) “Everything You Don’t Know About Mass Incarceration” Summer 2019 CITY JOURNAL <https://www.city-journal.org/mass-incarceration> (accessed 31 Oct 2021)

The U.S. incarcerates more people than any other nation, but international comparisons ignore important differences between other countries and ours. For instance, as is often pointed out by the same Democrats when discussing gun control, the U.S. has significantly higher murder and violent-crime rates than many other developed nations, and those rates of serious crime drive much of the disparity in incarceration—not low-level and nonviolent drug offenses.

No, the US doesn’t have the highest incarceration rate in the world. That would be China

John Gramlich 2021 (senior writer/editor at Pew Research Center) 16 Aug 2021 “America’s incarceration rate falls to lowest level since 1995” <https://www.pewresearch.org/fact-tank/2021/08/16/americas-incarceration-rate-lowest-since-1995/> (accessed 30 Oct 2021)

But data limitations in China and other countries make direct comparisons with the U.S. difficult. The World Prison Brief notes, for instance, that China’s total excludes people held in pre-trial detention or “administrative detention” – a group that may number [more than 650,000](https://www.prisonstudies.org/country/china). China’s total also excludes the estimated [1 million Uyghur Muslims](https://www.pbs.org/newshour/features/uighurs/) who are reportedly being detained in camps in the Xinjiang autonomous region. If these two groups were added to the total, China would far surpass the U.S. in terms of its total incarcerated population.

4. A/T “Imprisoning parents harms children” so we should let them out early

Surprise: Criminals make bad parents, so the less time kids spend with them, the better

[Charles Fain Lehman](https://www.manhattan-institute.org/expert/charles-lehman) 2021 (fellow at the Manhattan Institute, working primarily on the [Policing and Public Safety Initiative](https://www.manhattan-institute.org/policing-public-safety), and a contributing editor of *City Journal*) 24 May 2021 “Parents and Prisons” [Institute for Family Studies](https://ifstudies.org/blog/parents-and-prisons)  https://www.manhattan-institute.org/parents-and-prisons (accessed 31 Oct 2021)

The subset of the population that ends up incarcerated is disproportionately likely to have character traits particularly adverse to good parenting. As my colleague Rafael Mangual [has noted](http://www.city-journal.org/fathers-families-incarceration-harm), antisocial personality disorder is 10 to 23 times more common in prisoners than it is in the general population, suggesting that prisons tend to select personalities at risk for harming their children. High rates of recidivism—more than 80% of prisoners released are rearrested within 10 years, the Bureau of Justice Statistics [has found](http://www.bjs.gov/content/pub/pdf/18upr9yfup0514.pdf)—similarly support the idea that prison populations are made up of those most prone to taking advantage of and harming others, including their children. The evidence on partner behavior in the paper, indicating that some parents make their partners more likely to commit crimes, also supports this notion that some parents are just dangerous influences.

**[Background on the Ohio Study evidence below: All the parents in the study are in the criminal justice system – they’re all criminals. The study compared the kids of criminal parents where the parents were in prison versus kids with criminal parents who were not in prison (e.g. probation, or some other non-prison scenario). The kids with criminal parents IN prison turned out better than the kids with criminal parents NOT in prison.]**

“Kids with parents in prison do poorly” - true, and not surprising – they’re bad parents. Ohio study finds troubled kids do better when their criminal parents are in prison

[Charles Fain Lehman](https://www.manhattan-institute.org/expert/charles-lehman) 2021 (fellow at the Manhattan Institute, working primarily on the [Policing and Public Safety Initiative](https://www.manhattan-institute.org/policing-public-safety), and a contributing editor of *City Journal*) 24 May 2021 “Parents and Prisons” [Institute for Family Studies](https://ifstudies.org/blog/parents-and-prisons)  https://www.manhattan-institute.org/parents-and-prisons (accessed 31 Oct 2021)

Pointing to [evidence](http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.526.2929&rep=rep1&type=pdf) that children with incarcerated parents [do worse](http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3703506/) on a host of indicators than their peers with intact families, they argue that the costs of "breaking up" a family often outweigh the benefits to public safety, and that therefore pro-family conservatives must necessarily be in favor of decarceration. Much of the evidence used to make this argument, however, is limited in its capacity to really establish a causal link between parental incarceration and worse outcomes. Children of incarcerated parents may already be on a worse path for reasons other than the fact of their parent's incarceration—a worse family environment precipitated by the same character traits that made their parent likely to be a criminal offender. To really separate out the effect of parental incarceration on children's outcomes, researchers need a source of randomness in a parent's propensity to be incarcerated, one necessarily uncorrelated with their children's outcomes. [A new study](http://poseidon01.ssrn.com/delivery.php?ID=796114123085010071121111102092080092006004029014029041005112113024101113081025026002049056033008027023042096111112101097114003104075040023033103071123084065016105023067033085065126080099109069030116066113086029003120084113025026116019065004091072094105&EXT=pdf&INDEX=TRUE), [forthcoming](http://www.aeaweb.org/articles?id=10.1257/aer.20190415&from=f) in the American Economic Review, identifies just that, and the results are startling. Contrary to the assumption that parental incarceration is destructive to children, the paper finds that parental incarceration reduces children's propensity to be incarcerated and improves their adult neighborhood quality, while having no significant effect on their academic performance.

Methodology of the Ohio study and quantification: Having criminal parents in prison = 40% reduction in chance of child being incarcerated before age 25, compared to criminal parents not in prison

[Charles Fain Lehman](https://www.manhattan-institute.org/expert/charles-lehman) 2021 (fellow at the Manhattan Institute, working primarily on the [Policing and Public Safety Initiative](https://www.manhattan-institute.org/policing-public-safety), and a contributing editor of *City Journal*) 24 May 2021 “Parents and Prisons” [Institute for Family Studies](https://ifstudies.org/blog/parents-and-prisons)  https://www.manhattan-institute.org/parents-and-prisons (accessed 31 Oct 2021)

To reach their conclusions, the paper's authors assembled a rich array of data on prisoners and their children from the three Ohio counties home to Columbus, Cleveland, and Cincinnati. About 60% of the parents in the survey are male, with an average of 1.86 children, who range in age from 1 to 19 years old at the time of their parent's court date. Using these data, they conducted a "judge assignment" study, taking advantage of the random assignment of offenders to judges with a known variability in their propensity to incarcerate as a source of randomness that permitted isolating the effects of parental incarceration from other variables.  Their biggest finding is the effect on children's future propensity to be incarcerated: parental incarceration was linked to a 20% reduction in a child's likelihood of being charged, a 22% cut in chance of being convicted, and a 40% reduction in the chance of being incarcerated before age 25. Notably, those effects are driven by the black children in their data.

Ohio study finds kids with criminal parents in prison have slightly better socioeconomic status than when criminal parents are not in prison

[Charles Fain Lehman](https://www.manhattan-institute.org/expert/charles-lehman) 2021 (fellow at the Manhattan Institute, working primarily on the [Policing and Public Safety Initiative](https://www.manhattan-institute.org/policing-public-safety), and a contributing editor of *City Journal*) 24 May 2021 “Parents and Prisons” [Institute for Family Studies](https://ifstudies.org/blog/parents-and-prisons)  https://www.manhattan-institute.org/parents-and-prisons (accessed 31 Oct 2021)

Just as surprising are the other findings. Parental incarceration actually led to a slight increase (4.1 percentiles) in the socioeconomic status of the neighborhood the child ended up living in. And it had almost-zero, non-significant effects on children's academic performance (math and reading scores, GPA, absenteeism, risk of repeating a grade) and risk of teen parenthood—parental incarceration did not improve these measures in the study, but it didn't harm them, either.

Colombia and Norway studies confirm Ohio study results

[Charles Fain Lehman](https://www.manhattan-institute.org/expert/charles-lehman) 2021 (fellow at the Manhattan Institute, working primarily on the [Policing and Public Safety Initiative](https://www.manhattan-institute.org/policing-public-safety), and a contributing editor of *City Journal*) 24 May 2021 “Parents and Prisons” [Institute for Family Studies](https://ifstudies.org/blog/parents-and-prisons)  https://www.manhattan-institute.org/parents-and-prisons (accessed 31 Oct 2021)

The Ohio study is actually not the only study to find that parental incarceration can have positive effects. Research from Colombia [finds that](http://static1.squarespace.com/static/5664c583e4b0c0bb910ceb3b/t/5bd78c5af9619ae1464f2587/1540852835737/JMP_ARTEAGA_Oct2018.pdf) parental incarceration increased children's years of schooling, while evidence from Norway [offers](http://www.nber.org/system/files/working_papers/w24227/w24227.pdf) similar null estimates.

5. A/T “Non-violent offenders”

Most drug offenders are violent and most violent offenders are drug offenders

Rafael Mangual 2019 (J.D.; senior fellow and head of research for the [Policing and Public Safety Initiative](https://www.manhattan-institute.org/policing) at the Manhattan Institute) “Everything You Don’t Know About Mass Incarceration” Summer 2019 CITY JOURNAL <https://www.city-journal.org/mass-incarceration> (accessed 31 Oct 2021)

That a prisoner is categorized as a drug offender, moreover, does not mean that he is nonviolent or otherwise law-abiding. Most criminal cases are disposed of through plea bargains, and, given that charges often get downgraded or dropped as part of plea negotiations, an inmate’s conviction record will usually understate the crimes he committed. The claim that drug offenders are nonviolent and pose zero threat to the public if they’re put back on the street is also undermined by a striking fact: more than three-quarters of released drug offenders are rearrested for a nondrug crime. It’s worth noting that Baltimore police identified 118 homicide suspects in 2017, and 70 percent had been previously arrested on drug charges.

Fewer than 1% of federal drug offenders are convicted of simple drug possession

Heather MacDonald 2015 (J.D.; Fellow at the Manhattan Institute ) “Prison Alternatives Have Been Tried and Found Wanting” <https://www.manhattan-institute.org/html/prison-alternatives-have-been-tried-and-found-wanting-7972.html> (accessed 31 Oct 2021)

Contrary to popular understanding, drug enforcement is not the driving force in the prison population, violent crime is. Only 3.6 percent of state prisoners were serving time for drug possession in 2013, most of their convictions pleaded down from trafficking; 54 percent of state prisoners were serving time for violent felonies. (State prisons hold 87 percent of the nation’s prisoners.) Fewer than 1 percent of drug offenders sentenced in federal court in 2014 were convicted of simple drug possession, according to the U.S. Sentencing Commission.

SOLVENCY

Can’t solve “prison overcrowding” (in general) at the federal level. Only 11% of long-term prisoners are federal

John Gramlich 2021. (senior writer/editor at Pew Research Center) Under Trump, the federal prison population continued its recent decline 17 Feb 2021 <https://www.pewresearch.org/fact-tank/2021/02/17/under-trump-the-federal-prison-population-continued-its-recent-decline/> (accessed 30 Oct 2021)

It’s also important to keep in mind that the vast majority of people who are behind bars in the United States are held in state and local correctional facilities, not the federal system. As of the end of 2019, the federal system held 11% of all U.S. inmates sentenced to more than a year in prison, according to the Bureau of Justice Statistics.

DISADVANTAGES to early release

1. Justice violation.

Releasing prisoners undermines the purpose of criminal justice system: Condemning wrong behavior

Rafael Mangual 2019 (J.D.; senior fellow and head of research for the [Policing and Public Safety Initiative](https://www.manhattan-institute.org/policing) at the Manhattan Institute) “Everything You Don’t Know About Mass Incarceration” Summer 2019 CITY JOURNAL <https://www.city-journal.org/mass-incarceration> (accessed 31 Oct 2021)

Large-scale decarceration would also undermine the criminal-justice system’s retributive function, one of the four penological justifications for incarceration (with rehabilitation and deterrence joining incapacitation to constitute the other three). When I studied criminal law as a first-year law student, my textbook defined “crime” as conduct that, “if duly shown to have taken place, will incur a formal and solemn pronouncement of the moral condemnation of the community.” Incarceration, in other words, is more than just a way to protect society from wrongdoers; it’s also a key way that society condemns wrong and destructive behavior.

The government has no right to punish criminals if the goal is anything other than justice

John Hirschauer 2020 (former William F. Buckley Jr. Fellow in Political Journalism at National Review Institute) 27 March 2020 “Should States Punish the Insane?” <https://www.nationalreview.com/2020/03/crime-mental-illness-should-states-punish-insane-offenders/> (accessed 9 Aug 2021) (brackets added)

[C.S.] Lewis argued that the utilitarian rationales for punishing criminals — deterrence, rehabilitation, incapacitation — were insufficient to justify a penal regime. If the state did not first establish that an offender deserved to be punished for punishment’s sake, forcing “rehabilitation” upon him or using his fate to deter other would-be criminals was not merely dishonest, but instrumentalist: The offender himself became a means to an end. Without a sense of retributive justice, Lewis said, an offender is made “a mere object, a patient, a ‘case.’”

Any other goal besides giving what the criminal deserves hands the government the power of tyranny

John Piper 2012 (chancellor of Bethlehem College & Seminary) “Life Is Cheap in Norway: C. S. Lewis on the Sentence of Anders Breivik” 27 Aug 2012 https://www.desiringgod.org/articles/life-is-cheap-in-norway-c-s-lewis-on-the-sentence-of-anders-breivik (accessed 9 Aug 2021)

If a criminal’s sentence does not have to accord with what he deserves, it does not have to be just. At that point we are all at the mercy of those who are in power to call anything we do a crime and give it any therapeutic or remedial solution they choose, including gas chambers and medical alterations. “The Humanitarian theory of punishment will put in their hands a finer instrument of tyranny than wickedness ever had before.”

2. More crime

Cutting prisoners loose just to reduce the prison population = more crime

Rafael Mangual 2019 (J.D.; senior fellow and head of research for the [Policing and Public Safety Initiative](https://www.manhattan-institute.org/policing) at the Manhattan Institute) “Everything You Don’t Know About Mass Incarceration” Summer 2019 CITY JOURNAL <https://www.city-journal.org/mass-incarceration> (accessed 31 Oct 2021)

Scholars at the Brennan Center have called for an immediate [40 percent reduction](https://www.brennancenter.org/newsletter/justice-update-nearly-40-percent-americans-unnecessarily-behind-bars) in the number of inmates. Such drastic cuts could produce significant crime increases, as communities lose the incapacitation benefits that they currently enjoy. Already, there’s no shortage of cautionary examples. In March, the New York Police Department released a [montage of security-camera footage](https://www.dailymail.co.uk/news/article-6867559/Notorious-Rockstarz-gang-killing-man-chased-Brooklyn.html) that captured ten gang members in East New York, a Brooklyn neighborhood, as they hunted down and killed a man in broad daylight. The chilling images show the victim, 21-year-old Tyquan Eversley (out on bail, facing a rap for armed robbery), running, as his armed assailants give chase. Eversley gets entangled in barbed wire after jumping a fence into someone’s backyard; one of his pursuers hurls what looks like part of a cinder block over the fence at him, as another points his gun over the top and fires five fatal rounds. The rock-slinging thug, according to the NYPD, is 25-year-old Michael Reid, who has since been identified and arrested. Reid, it was subsequently reported, had been recently released from federal custody and was wearing an ankle monitor at the time of the murder.

Releasing “low level criminals” is bad because offenders think there’s no consequences to crime, so they commit worse crimes

Stephen J. K. Walters 2021 (chief economist at the Maryland Public Policy Institute) Summer 2021 “The Corners-to-Prison Pipeline” <https://www.city-journal.org/corners-prison-pipeline> (accessed 31 Oct 2021)

Decarceration is the watchword; police are supposed to focus on “trigger-pullers” or the relatively small number of criminals who account for a large share of violent crimes. Conservatives correctly note that this approach, dubbed “targeted enforcement,” ignores the fact that becoming a criminal is a developmental process—and that tolerating lower-level offenses can lead to a sense of invulnerability that encourages escalation. An excellent case study of California’s dysfunctional juvenile- justice system, Edward Humes’s [No Matter How Loud I Shout](http://www.edwardhumes.com/no-matter-how-loud-i-shout) (1996), profiled many delinquents who faced trivial consequences for minor crimes and then were shocked to find themselves charged as adults and doing hard time when, in their view, they had done little more than what had previously earned them a slap on the wrist.

We don’t have a mass incarceration problem, and the “solutions” would be disastrous for society

Rafael Mangual 2019 (J.D.; senior fellow and head of research for the [Policing and Public Safety Initiative](https://www.manhattan-institute.org/policing) at the Manhattan Institute) “Everything You Don’t Know About Mass Incarceration” Summer 2019 CITY JOURNAL <https://www.city-journal.org/mass-incarceration> (accessed 31 Oct 2021)

Democrats and their progressive allies are thus wrong that the United States has a mass-incarceration problem. While we should, of course, seek to improve the criminal-justice system’s imperfections, voters should resist drastic, far-reaching reforms. The real-world consequences of those reforms would be disastrous, especially for the nation’s most vulnerable neighborhoods.

There is no alternative to prison that will prevent crime

Heather MacDonald 2015 (J.D.; Fellow at the Manhattan Institute ) “Prison Alternatives Have Been Tried and Found Wanting” <https://www.manhattan-institute.org/html/prison-alternatives-have-been-tried-and-found-wanting-7972.html> (accessed 31 Oct 2021)

The nation’s 20-year crime drop was achieved through a combination of proactive policing and increased incarceration. Ideally there would be alternatives to prison that produced the same public safety gains, but so far, alternatives that can be implemented reliably at large scale have not been found.