Negative: Halfway House RRC Unprivatization

By “Coach Vance” Trefethen

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

Case Summary: The AFF plan has the Bureau of Prisons stop using outsourced contracted Residential Re-entry Centers (a.k.a. Halfway Houses) and bring all future RRC’s under government ownership. All RRC’s currently are privately operated and are funded by contracts with the Bureau of Prisons. RRC’s are where many (not all) prisoners go to finish out the last months of their sentence as a way of helping them integrate back into the community more easily. AFF Plan is exactly the opposite of what their solvency/advocacy evidence says they should do, which is establish better standards and monitoring for the contracted RRCs, not to stop using them.

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Rutgers University Center for Behavioral Health Services & Criminal Justice Research 2013. (AFFIRMATIVE SOURCE – study organized by Nancy Wolff PhD) “Halfway from Prison to the Community: From Current Practice to Best Practice” April 2013 <https://cafwd.app.box.com/s/oit9lo07b72124qjjcik> (accessed 5 Jan 2022)

Performance-based contracting should be the norm. Contracting for outputs or outcomes is the best way to ensure the government receives value for its reentry dollar. When value is not provided, risk sharing ar-rangements are needed to provide guidance for remediation (e.g., warning with assistance), financial penalties for further non-compliance, followed by termination if non-compliance is persistent.

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The success of privatization depends critically on the contracting expertise of government agencies and their willingness and ability to measure, monitor, and require performance accountability. A more performance-based orientation to contracting for reentry services is essential. To ensure performance, both parties of the contract must be evaluated objectively and routinely, with consequences and readjustments as needed. The public sector must adopt purchasing practices that produce measurable value. Only then will privatization and reentry initiatives serve the interests of society.

HARMS RESPONSES

1. There aren’t any

None of the Affirmative’s “Harms” describe anyone being harmed. Lack of information isn’t a harm and need for more study or accountability isn’t a harm. It’s not a harm until someone gets harmed.

SOLVENCY

1. BOP not capable

Really good reason why BOP contracts for outside RRCs: Because they aren’t capable of doing it themselves, by their own admission

Christopher Zoukis 2018. (MBA; Marketing Director of the Law Offices of Brandon Sample and the Managing Director of the Zoukis Consulting Group ) 6 Mar 2018 “From Cages to the Community: Prison Profiteers and the Treatment Industrial Complex” <https://www.prisonlegalnews.org/news/2018/mar/6/cages-community-prison-profiteers-and-treatment-industrial-complex/> (accessed 4 Dec 2022)

Despite the importance and need for back-end community corrections options, the BOP does not own or operate any residential reentry centers. A 2016 memorandum from then-Deputy Attorney General Sally Yates noted the federal government “lacks the capacity to own and operate its own” halfway houses. As a result, the Bureau of Prisons relies on a network of nonprofit and for-profit entities to operate halfway houses for federal prisoners.

2. Contradicts Affirmative’s solvency expert, Dr. Nancy Wolff

AFF’s plan contradicts what their expert Dr. Nancy Wolff recommends. She says: better standards and oversight of contracting, not an end to contracting

Rutgers University press release quoting recommendations from a report written by Dr. Nancy Wolff 2013. “Rutgers-led Group Recommends Best Practice Guidelines for Halfway Houses in New Report” 10 Apr 2013  
 <https://www.rutgers.edu/news/rutgers-led-group-recommends-best-practice-guidelines-halfway-houses-new-report> (accessed 4 Dec 2022)

* Professionalize the staff and operations of RRCs by using research evidence to guide the selection of assessment tools, programming and other services offered by RRCs.  
  - Develop “prudent and informed” contracting strategies at the federal and state levels. Standards and expectations should be specific, and “a government oversight agency, such as the Office of the Comptroller, should be required to evaluate contract performance at least once every three years.”
* "Performance-based contracting should be the norm.” That is, contracts should make clear what the state expects for its money.

3. Inadequate BOP staffing. They can’t staff their facilities now, let alone expand to a bunch of new ones

Attorney General admits federal prison staffing is “a serious problem”

[KERI BLAKINGER](http://www.themarshallproject.org/staff/keri-blakinger), [JAMILES LARTEY](http://www.themarshallproject.org/staff/jamiles-lartey), [BETH SCHWARTZAPFEL](http://www.themarshallproject.org/staff/beth-schwartzapfel), MIKE SISAK and [CHRISTIE THOMPSON](http://www.themarshallproject.org/staff/christie-thompson) 2021 (staff writers for The Marshall Project, a non-profit research group on criminal justice) “As Corrections Officers Quit in Droves, Prisons Get Even More Dangerous” 1 Nov 2021 <https://www.themarshallproject.org/2021/11/01/as-corrections-officers-quit-in-droves-prisons-get-even-more-dangerous> (accessed 3 Jan 2022)

Asked last week in a U.S. Senate hearing about federal prison staffing, Attorney General Merrick Garland said, “I agree this is a serious problem at the Bureau of Prisons.”

BOP can’t attract and hire new prison officers because pay is too low

FEDAgent 2021. (News group for federal law enforcement employees) “Lawmakers Request BOP Director Provide Insight on Augmenting Personnel, Staff Shortages” 11 Nov 2021 <https://www.fedagent.com/news/lawmakers-request-bop-director-provide-insight-on-personnel-augmentation-staff-shortages> (accessed 3 Jan 2022)

GAO found that although BOP budgeted for 20,446 full-time correctional officer positions in 2020, the agency reported that it currently employs 13,762 officers. Despite efforts to attract recruits with 25 percent bonuses, there has been little progress. While there are promises of making $62,615 as a recruitment incentive, the starting salary is just under $43,500. The highest end of this salary scale is still much lower than what other federal agencies offer, especially compared with the competition from police departments, state prisons, oil refineries, and warehouses.

4.  Won’t solve for corruption

BOP employees are corrupt too, so don’t expect them to solve corruption. Many of them will soon be inmates

Associated Press 2021 (journalist Michael Balsamo) 2 Dec 2021 “Durbin: Prisons chief has ‘no intention of reforming’ system” <https://wgnradio.com/news/political-news/durbin-prisons-chief-has-no-intention-of-reforming-system/> (accessed 5 Jan 2022)

Sen. Dick Durbin doubled down on his demand that Attorney General Merrick Garland remove Director Michael Carvajal, which came days after an Associated Press investigation that detailed serious misconduct involving federal correctional officers and revealed more than 100 Bureau of Prisons workers have been arrested, convicted or sentenced for crimes since the start of 2019. “Since day one, Director Carvajal has shown no intention of reforming the institution,” Durbin said in a speech on the Senate floor. “For years, the Bureau of Prisons has been plagued by corruption, chronic understaffing, and misconduct by high-ranking officials.”

5. Rehabilitation doesn’t work, no matter what we do or how we do it

Studies find rehab/re-entry programs don’t reduce recidivism

National Institute of Justice 2018 (part of the federal Dept. of Justice) Lessons Learned from the Second Chance Act: Moving Forward to Strengthen Offender Reentry 3 June 2018 <https://nij.ojp.gov/topics/articles/lessons-learned-second-chance-act-moving-forward-strengthen-offender-reentry> (accessed 8 Sept 2021)

Signed into law in April 2008, the Second Chance Act (SCA) aims to enhance public safety by breaking the cycle of criminal recidivism and improving outcomes for people returning from prisons, jails, and juvenile facilities. The SCA authorizes the awarding of federal grants to government agencies and nonprofit organizations to provide reentry services and programs, including employment and housing assistance, victim support, and substance abuse treatment. Additionally, SCA funds may be used to support general criminal justice system improvements.   
What is NIJ’s role?   
Under the SCA, the Bureau of Justice Assistance (BJA) started funding offender reentry demonstration projects, and the National Institute of Justice (NIJ) was directed to evaluate the effectiveness of BJA’s projects. Since the passage of this important legislation and in collaboration with BJA, NIJ has supported two rigorous, independent evaluations of SCA adult offender reentry demonstration projects.  
What did we learn?  
The two NIJ-supported evaluations, led by Social Policy Research Associates and RTI International, produced similar results. In general, and with a few exceptions, participation in an SCA program did not affect a range of reentry outcomes, for example, substance use and compliance with supervision. Participation in an SCA program did, however, increase access to and receipt of reentry services and programs for participants and improve partnerships with community agencies. Importantly, participation in SCA programming did not significantly reduce the likelihood of recidivism.

Every program that’s ever been tried has failed to reduce recidivism

Leonard Adam Sipes, Jr. 2019 (Retired federal senior spokesperson. Thirty-five years of award-winning public relations for national and state criminal justice agencies. Former Senior Specialist for Crime Prevention for the Department of Justice’s clearinghouse. Former Director of Information Services, National Crime Prevention Council. Former Adjunct Associate Professor of criminology and public affairs-Univ. of Maryland) 3 June 2019 Nothing Works For Offender Rehabilitation? <https://www.crimeinamerica.net/nothing-works-for-offender-rehabilitation/> (accessed 9 Sept 2021)

But the issue isn’t the Second Chance Act, it’s EVERY program evaluated by the US Department of Justice and most from other sources. They either don’t reduce recidivism, make things worse or have a marginal impact of less than ten percent. What this means is that when there are reductions in recidivism, over ninety percent of people fail. They are rearrested or reincarcerated. Some multiple times. If over ninety percent of people taking an experimental drug showed no results, the CDC would stop the experiment immediately; continuance would be harmful to society.

Won’t solve anything until we solve mental health and drug abuse, and even then they will mostly fail

Leonard Adam Sipes, Jr. 2019 (Retired federal senior spokesperson. Thirty-five years of award-winning public relations for national and state criminal justice agencies. Former Senior Specialist for Crime Prevention for the Department of Justice’s clearinghouse. Former Director of Information Services, National Crime Prevention Council. Former Adjunct Associate Professor of criminology and public affairs-Univ. of Maryland) 3 June 2019 Nothing Works For Offender Rehabilitation? <https://www.crimeinamerica.net/nothing-works-for-offender-rehabilitation/> (accessed 9 Sept 2021)

Offenders, especially those released from prison, carry massive problems that are not going to be amended by employment or educational programs. The President’s The Council of Economic Advisers is probably right, the best hope we have is to address mental health and substance abuse issues and even there, they suggest that the vast majority of offenders are still going to fail.

6. More Study Needed

Affirmative source – Rutgers University Study/Nancy Wolff – says we need more study to find out what works

Rutgers University Center for Behavioral Health Services & Criminal Justice Research 2013. (AFFIRMATIVE SOURCE – study organized by Nancy Wolff PhD) “Halfway from Prison to the Community: From Current Practice to Best Practice” April 2013 <https://cafwd.app.box.com/s/oit9lo07b72124qjjcik> (accessed 5 Jan 2022)

The general public and local com-munities have the right to know about the performance of RRCs. Keeping the general public informed ensures value is purchased with public funding, while informing local communities serves to build trust, the glue that sustains interagency collaborations and enduring connections within those localities. Recommendation 10: Correctional agencies should forge enduring partnerships with higher education to evaluate their policies and practices, train their staffs, archive and analyze their data, and conduct research on best practices.

Affirmative source – Rutgers / Nancy Wolff Study – says there are 5 areas of research we need before we can decide on RRC policy

Rutgers University Center for Behavioral Health Services & Criminal Justice Research 2013. (AFFIRMATIVE SOURCE – study organized by Nancy Wolff PhD) “Halfway from Prison to the Community: From Current Practice to Best Practice” April 2013 <https://cafwd.app.box.com/s/oit9lo07b72124qjjcik> (accessed 5 Jan 2022)

Research on RRCs is in its infancy. Areas of research in greatest need are: (1) Profile Analysis — How many RRCs are in operation? What are their owner-ship forms? How big and specialized are they? Who do they serve? What is the average length of stay? What services do they provide? (2) Effectiveness Evaluation (compared to parole supervision only) — Do RRCs work, for whom, and under what conditions? Are recidivism rates lowered? (3) Cost-Effectiveness Research — What alternatives are most cost-effective for low, medium, and high risk offender groups? (4) Production Research — What is the optimal size for an RRC? Are specialized RRCs effective in terms of recovery and reentry? Is there a trade-off between recovery and reentry preparedness when specialized RRCs are regionalized? What combinations of programs produce the greatest yield in terms of reentry readiness and recidivism reduction? (5) Incentive Research —What combination of incentives/disincentives produces the best outcome performance for clients of RRCs?

DISADVANTAGES

1. Short staffing in prisons

Link: AFF requires BOP to staff a bunch of new RRC facilities

That’s their plan.

Link: BOP can’t staff the prisons they have now and can’t attract new employees

Cross apply our Solvency 3 evidence. The staff AFF needs for their plan will have to be subtracted from existing BOP prison staff. But that’s bad because of the…

Impact: Exponential increase in prison violence when staffing is low

Shane Fausey 2020. (president of the American Federation of Government Employees (AFGE) National Council of Prison Locals 33 ) 14 May 2020 “Being a prison officer is now more dangerous than ever” <https://federalnewsnetwork.com/workforce/2020/05/being-a-prison-guard-now-more-dangerous-than-ever/> (accessed 2 Jan 2022)

**Shane Fausey:** We have been plagued with staffing concerns since about 2005. They implemented a program called mission critical, which they took about 20% of the correctional services staff or your officers in your prisons. And consistently over the years, most notably January of 2017, they executed another series of cuts. We’re down probably close to 9000 to 10,000 positions since 2005. Unfortunately, in a prison when you reduce your overall staffing numbers, your violence exponentially increases.

2. Masking Disadvantage. AFF plan distracts us from the real solution: increasing home confinement, not RRC

AFF Plan assumes we need to build more RRC’s and just run them differently. But the real solution is to stop increasing RRC capacity and increase the use of home confinement

US Dept of Justice, Office of the Inspector General 2016. “Audit of the Federal Bureau of Prisons’ Management of Inmate Placements in Residential Reentry Centers and Home Confinement“ Nov 2016 <https://oig.justice.gov/reports/2016/a1701.pdf> (accessed 4 Dec 2022)

Given the capacity restraints and the fact that the research shows that RRCs are not beneficial for all inmates, we previously recommended that BOP reevaluate its RRC and home confinement placement practices. Additionally, we recommend that BOP reevaluate the availability of alternatives to RRC placement, including consideration of increasing direct home confinement placement and home confinement monitoring capacity. To this effect, BOP should also review direct home confinement placement options such as the Day Reporting Centers, as well as possible increased use of the Federal Location Monitoring program and the potential for releasing some low-risk, low-need inmates with relatively short sentences directly back into the community from a BOP institution rather than placing these inmates in RRCs.