Negative: Ombudsman

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 creates a Bureau of Prisons “Ombudsman” (or expands the existing Ombudsman) position to deal with complaints from prisoners. AFF believes that abuses are getting hidden in SQ and there needs to be an independent mechanism to bring attention to problems in federal prisons. An “ombudsman” is like a mediator who works between people who have a problem and the organization to resolve issues and investigate complaints. AFF cites Washington State (in 1AC) as well as Nebraska and Alaska (backup evidence) as success stories. That’s why we have these states specifically in the brief as “not success” stories.

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Negative: Ombudsman

TOPICALITY

1. No significant reform

Link: Plan calls for greater awareness and maybe, possibly, following of Status Quo policies

That’s all the ombudsman can do and it’s all their mandates call for. The ombudsman him or herself is a person, not a policy.

Violation: No policy change means no Affirmative team

Doing more of the Status Quo isn’t a significant reform of any policy. And if there’s no one affirming significant reform, then there’s effectively no Affirmative team in this debate.

Impact: No Affirmative means Negative ballot

No matter who wins, you should write Negative on the ballot, since nobody is affirming the resolution.

INHERENCY – Multiple avenues of oversight already exist

1. The Government Accountability Office (GAO)

GAO audits and gets reforms done. Example: Mental health care improvements

GAO 2017. Performance and Accountability Report Fiscal Year 2017 <https://www.gao.gov/assets/gao-18-2sp.pdf> (accessed 17 Feb 2022)

In 2013, we reported that BOP’s formal policies related to inmate mental health care were outdated, and that new requirements were only communicated by memo. We recommended that BOP update its formal policies. BOP issued two revised documents in response: one on enhanced standards of care for inmates with mental illness in 2014, and one updating its Psychology Services Manual in 2016. These revised policies better reflect current mental health care practices and standards for providing care to inmates

GAO gets results. Example: Employee assistance program was reformed by BOP after GAO recommendation

GAO 2021. “Bureau of Prisons:Opportunities Exist to Better Analyze Staffing Data and Improve Employee Wellness Programs” 24 Feb 2021 [www.gao.gov/products/gao-21-123](http://www.gao.gov/products/gao-21-123) (accessed 17 Feb 2022)

We found that the Bureau of Prisons (BOP) had not collected feedback from employees about its Employee Assistance Program in a systematic way, and had instead relied on anecdotal and informal feedback. As a result, we recommended that BOP develop and implement a method to routinely collect and evaluate employee feedback, such as leveraging existing tools or creating new ones. BOP finalized a survey regarding the Employee Assistance Program and distributed it to employees in July 2021. The survey includes questions for participants to rate their experience utilizing the program, among others. BOP anticipates that this survey will be delivered every two years. BOP has also entered into a contract for a vendor to conduct focus groups with staff regarding their satisfaction and feedback on the Employee Assistance Program services. These surveys and focus groups are consistent with our recommendation.

2. The Justice Dept. Office of the Inspector General (OIG).

OIG issues reports on BOP failures. Example: Covid.

Walter Pavlo 2021. (founded Prisonology, an expert network firm of retired Bureau of Prisons professionals, to work with defendants and criminal defense lawyers on federal prison issues ) “Office Of Inspector General Critical Of Bureau of Prisons In Extensive Reports” FORBES 31 May 2021 <https://www.forbes.com/sites/walterpavlo/2021/05/31/office-of-inspector-general-critical-of-bureau-of-prisons-in-extensive-reports/?sh=14787db622b4> (accessed 17 Feb 2022)

The Department of Justice Office of Inspector General has released multiple reports on the BOP’s reaction to COVID-19 and those reviews have been quite critical of the agency. In April 2020, OIG determined that one of the most [significant challenges](https://oig.justice.gov/sites/default/files/reports/2020.pdf) the BOP faced was protecting the safety and welfare of BOP inmates, staff and the communities in which they serve.

OIG issues reports on BOP failures. Example: Religious services

Casey Bastian 2021. (“Prison Legal News” journalist and federal prisoner) 1 Nov 2021 “Audit Reveals Federal Bureau of Prisons’ Chaplaincy Services Branch Critically Depleted” PRISON LEGAL NEWS <https://www.prisonlegalnews.org/news/2021/nov/1/audit-reveals-federal-bureau-prisons-chaplaincy-services-branch-critically-depleted/> (accessed 17 Feb 2022)

The Office of the Inspector General completed an audit of the Federal Bureau of Prisons (BOP) Chaplaincy Services Branch (CSB) in July 2021. The CSB is responsible for the BOP’s religious services nationwide. The program is intended to ensure that the constitutional right of prisoners to practice religion is protected. Almost 70 percent of the BOP prisoner population identifies with a particular faith group or tradition. The audit revealed that the CSB is so depleted that a mere 236 personnel are serving more than 150,000 prisoners.

OIG “watchdog” report issued on mentally ill prisoners

Justin George 2017. (journalist) “Federal Watchdog Finds Mentally Ill Are Stuck in Solitary” 12 July 2017 MARSHALL PROJECT <https://www.themarshallproject.org/2017/07/12/federal-watchdog-finds-mentally-ill-are-stuck-in-solitary> (accessed 17 Feb 2022)

The U.S. Bureau of Prisons faced stinging criticism over its treatment of mentally ill prisoners Wednesday with the release of a federal watchdog report that found the agency locks some of its most troubled inmates in solitary confinement conditions for long stretches at a time. [The report by the Justice Department’s Office of Inspector General](https://www.themarshallproject.org/documents/3893449-Review-of-the-Federal-Bureau-of-Prisons-Use-of) paints a picture of an agency ill-prepared to identify and tend to prisoners with mental illness despite a 2014 policy change that was supposed to boost care for those inmates.

OIG roots out corruption in BOP

US Dept of Justice 2021. (US attorney’s office, Eastern District of Virginia) “Two Former Bureau of Prisons Officials Sentenced for Bribery Scheme at Federal Prison in Petersburg” 16 Sept 2021 <https://www.justice.gov/usao-edva/pr/two-former-bureau-prisons-officials-sentenced-bribery-scheme-federal-prison-petersburg> (accessed 17 Feb 2022)

“Correctional Officers Taylor and Bullock jeopardized the safety and security of their colleagues by accepting bribes from inmate Cox to bring contraband into the prison. The Office of the Inspector General is committed to rooting out these bribery schemes and bringing the perpetrators to justice,” said Russell W. Cunningham, Special Agent in Charge of the Department of Justice Office of the Inspector General, Washington Field Office.

3. The FBI

FBI works with OIG to investigate the BOP

US Dept of Justice 2021. (US attorney’s office, Eastern District of Virginia) “Two Former Bureau of Prisons Officials Sentenced for Bribery Scheme at Federal Prison in Petersburg” 16 Sept 2021 <https://www.justice.gov/usao-edva/pr/two-former-bureau-prisons-officials-sentenced-bribery-scheme-federal-prison-petersburg> (accessed 17 Feb 2022)

From October 2017 to April 2019, Taylor and Bullock received at least $46,841 in bribe payments consisting of both wire transfers and cash payments from individuals associated with Cox. Taylor was sentenced to 4 years in prison for solicitation and acceptance of bribes. Bullock was sentenced to 10 months in prison for solicitation and acceptance of bribes. Raj Parekh, Acting U.S. Attorney for the Eastern District of Virginia; Stanley M. Meador, Special Agent in Charge of the FBI’s Richmond Field Office; and Russell W. Cunningham Special Agent in Charge of the Department of Justice Office of the Inspector General Washington Field Office made the announcement after sentencing by U.S. District Judge David J. Novak.

4. Resignation of Carvajal

BOP Director Carvajal resigned recently, which will bring big reforms. Give it time to work

WASHINGTON POST 2022. (journalists Bryan Pietsch and Matt Zapotosky) 6 Jan 2022 “Bureau of Prisons director to resign after scandal-plagued tenure during pandemic” <https://www.washingtonpost.com/national-security/2022/01/06/michael-carvajal-bureau-prisons-resigns/> (accessed 26 Jan 2022) (brackets added)

Michael Carvajal, the director of the U.S. Bureau of Prisons whose tenure at the agency was marred by scandals and pandemic-induced struggles, will resign after nearly two years in the top position, the Justice Department said Wednesday.
**END QUOTE. THEY GO ON LATER IN THE ARTICLE TO WRITE QUOTE**:
[Illinois Sen. Richard] Durbin said in a [tweet](https://twitter.com/SenatorDurbin/status/1478918552929320960?s=20)Wednesday evening that Carvajal’s resignation was “an opportunity for new, reform-minded leadership” at the agency, where he said Carvajal had “failed to address the mounting crises in our nation’s federal prison system.”

HARMS / SIGNIFICANCE

1. Frivolous complaints are widespread

Prisoners have all day to sit around and think up things to complain about… and they do

Anna Little Morris 2017 (attorney) 7 Feb 2017 “Twenty Years After Reform, Inmate Litigation Still Crowds Dockets” <https://www.butlersnow.com/2017/02/twenty-years-reform-inmate-litigation-still-crowds-dockets/> (accessed 5 Dec 2021) (brackets and ellipses in original)

The goal of the Act, frankly acknowledged, was to[reduce the number of prisoner suits filed](https://www.law.cornell.edu/supct/html/05-416.ZO.html) in order to “[cur[b]  frivolous prisoner litigation](http://openjurist.org/117/f3d/197/baugh-v-taylor)” and to “[preserv[e] . . . our limited appellate resources](http://openjurist.org/117/f3d/197/baugh-v-taylor).” The[Fifth Circuit’s comments](http://openjurist.org/788/f2d/1116/green-v-v-mckaskle) prior to the PLRA also highlighted the need for the Act:
Unlike most litigants, prisoners have everything to gain and nothing to lose by filing frivolous suits. Filing a suit in forma pauperis costs a prisoner little or nothing; time is usually of little importance to a prisoner and prisoners are not often deterred by the threat of possible sanctions for malicious or frivolous actions or perjury. Moreover, a prisoner, while he may be unsuccessful, can at least look forward to “a short sabbatical in the nearest federal courthouse.” Cruz v. Beto, 405 U.S. 319, 327 (1972) (Rehnquist, J., dissenting). Thus, the temptation to file frivolous or malicious suits is strong, and these suits clutter up the federal courts, wasting scarce and valuable judicial resources, subjecting prison officials unnecessarily to the burdens of litigation and preventing prisoner suits with merit from receiving adequate attention.

Typical prisoner complaints include $1 million damage claim for melted ice cream

Anna Little Morris 2017 (attorney) 7 Feb 2017 “Twenty Years After Reform, Inmate Litigation Still Crowds Dockets” <https://www.butlersnow.com/2017/02/twenty-years-reform-inmate-litigation-still-crowds-dockets/> (accessed 5 Dec 2021)

A million dollars in damages for melted ice cream. Cruel and unusual punishment for having to listen to country music. A suit demanding L.A. Gear or Reebock shoes instead of prison-issued Converses. An emotional distress claim for receiving crunchy, instead of creamy, peanut butter. Are these the types of lawsuits to which our courts should be devoting time and resources? Congress apparently thought otherwise when they passed – with overwhelming[bipartisan](https://www.congress.gov/bill/104th-congress/house-bill/3019/actions?q=%7B%22search%22%3A%5B%22%5C%22prison+litigation+reform+act%5C%22%22%5D%7D&r=1)support – the[Prison Litigation Reform Act (PLRA)](https://www.law.cornell.edu/uscode/text/42/1997e).

2. Not a harm until someone gets harmed

AFF has to name people being harmed by “lack of an ombudsman” and show the ombudsman would have prevented that harm

“Lack of oversight” , “Lack of transparency” etc are not harms. Someone being harmed is a harm.

SOLVENCY

1. Already tried and failed

Link: BOP employee Ombudsman program has been in effect for a number of years now

Federal Bureau of Prisons 2016. (ethical disclosure: Article is undated but contains links referencing material published in 2016, so we know it was written at least in 2016 or more recently. It could be more recent, but we took the oldest date to be completely fair.) “SUPPORT SERVICES” <https://www.bop.gov/resources/employee_support.jsp#:~:text=The%20BOP%20Ombudsman%20Program%20is,concerns%2C%20issues%2C%20or%20problems>. (accessed 17 FEB 2022)

The BOP Ombudsman Program is designed to provide a confidential and neutral resource for Bureau staff, supervisors, and managers to informally resolve work-related concerns, issues, or problems. The Ombudsman functions independently within the agency and is a neutral, impartial party, not aligned with either management or the employee.

Fail: Staff raises concerns but no one does anything

Associated Press 2021. (journalists Michael Balsamo and Michael R. Sisak) 15 Nov 2021 “AP: BOP has an employee corruption problem” <https://www.corrections1.com/federal-prison/articles/ap-bop-has-an-employee-corruption-problem-9kNsFSfYoutF7qTI/> (accessed 17 Feb 2022)

In interviews with the AP, more than a dozen bureau staff members have also raised concerns that the agency's disciplinary system has led to an outsize focus on alleged misconduct by rank-and-file employees and they say allegations of misconduct made against senior executives and wardens are more easily brushed aside.

Analysis: If the ombudsman won’t even protect BOP employees, why in the world would they care about prisoners?

2. Enforcement impossible under current structure

Link: Ombudsman has no enforcement powers

Read their mandates. All they can do is report problems to appropriate channels. But that doesn’t work because…

It Fails: The ones supposed to enforce things are part of the problem

Associated Press 2021. (journalists Michael Balsamo and Michael R. Sisak) 15 Nov 2021 “AP: BOP has an employee corruption problem” <https://www.corrections1.com/federal-prison/articles/ap-bop-has-an-employee-corruption-problem-9kNsFSfYoutF7qTI/> (accessed 17 Feb 2022)

"The main concern with the Bureau of Prisons is that wardens at each institution, they decide if there's going to be any disciplinary investigation or not," said Susan Canales, vice president of the union at FCI Dublin. "Basically, you're putting the fox in charge of the henhouse."

3. Doesn’t solve for abuse

Although agreeing with better prison oversight, Michele Deitch admits in 2021 that 1) overseers can’t enforce reform; and 2) many other changes are needed to actually solve

Prof. Michele Deitch 2021. (*distin­guished senior lecturer at the Univ of Texas with a joint appoint­ment at the Lyndon B. John­son School of Public Affairs and the Univ of Texas School of Law*) 3 Nov 2021 “Independent Oversight Is Essential for a Safe and Healthy Prison System” <https://www.brennancenter.org/our-work/analysis-opinion/independent-oversight-essential-safe-and-healthy-prison-system> (accessed 17 Feb 2022)

Inde­pend­ent over­sight of pris­ons and jails is by no means a panacea that will ensure the safe and humane treat­ment of people in custody. Monit­or­ing bodies alone cannot curb the abuses they bring to light; they cannot force the spend­ing of neces­sary resources to fix prob­lems; and they cannot make correc­tional admin­is­trat­ors dismantle systems of solit­ary confine­ment or reduce racial tensions, for example. We should not ask them to be enfor­cers: the power to address the prob­lems of pris­ons and jails should remain with correc­tional lead­ers, legis­lat­ors, and governors; the over­sight entity should not become a supra-manage­ment body ulti­mately respons­ible for the cleanup of an agency beyond repair.

4. Failure in Washington State

3 years after the 2018 creation of the Washington State ombudsman, conditions in their prisons were still awful

Tony Gonzalez, Amy Crewdson, Nick Straley and Laurel Simonson 2021. (attorneys for the plaintiffs in a lawsuit against Washington prison officials) brief in the case of Rush, Autry & Steen vs. Washington State Dept of Corrections, case in the SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY, 29 Mar 2021 <https://columbialegal.org/wp-content/uploads/2021/03/Rush-v.-WA-State-Dept-of-Corrections-Complaint.pdf> (accessed 17 Feb 2022) (PPE = personal protective equipment against Covid infection)



Washington State is a bad model for prison reform

Washington State legislature senators: Sen. Mike Padden Sen. Keith Wagoner Sen. Chris Gildon 2021 (state senators in the Washington State legislature) “PRISON ALARM BELLS” 15 Sept 2021 (accessed 17 Feb 2022)

<https://mikepadden.src.wastateleg.org/wp-content/uploads/sites/28/2021/09/210915-2021-DOC-Report_web.pdf>



5. Failed in Nebraska

Link: Nebraska prison Ombudsman started in 1976 with same goals as AFF plan. It should have worked by now…

Forty-second Annual Report of the Nebraska Public Counsel 2012. (written by Marshall Lux, Nebraska state Public Counsel/Ombudsman) “The Ombudsman” <https://nebraskalegislature.gov/pdf/reports/public_counsel/12ombudsman.pdf> (accessed 18 Feb 2022)

The first of these developments was seen in 1976, as policy-makers around the country were searching for new ways to reform the corrections system in the wake of the Attica riots. The Nebraska Legislature responded to that situation in part by amending the Public Counsel Act to create the new position of the Deputy Public Counsel (Ombudsman) for Corrections. In creating this new position, the Legislature was, in effect, saying that it wanted to give special emphasis to resolving prison complaints and to have someone on the Legislature's staff who could act as an expert in that area. It was anticipated that this new position would not only offer inmates an effective avenue for obtaining administrative justice and the redress of grievances, but that it would also serve the interests of the state by helping to reduce sources of anger and frustration that led to inmate violence, and by decreasing the number of inmate lawsuits relating to prison conditions and operation.

The Results: Riots, violence, massive discontent, and a commitment from prison management to ignore the complaints

Jose Zozaya 2019 (journalist with KETV news, Omaha) 'A strong concern': Nearly 800 inmates sign petition criticizing conditions at state prison in Lincoln 4 Dec 2019 <https://www.ketv.com/article/a-strong-concern-nearly-800-inmates-sign-petition-criticizing-conditions-at-state-prison-in-lincoln/30111284> (accessed 18 Feb 2022) (brackets added)

 Nearly 800 inmates at the Nebraska State Penitentiary in Lincoln -- more than half the population -- recently signed a petition decrying conditions at the prison. Carl Eskridge, acting ombudsman for the Nebraska State Ombudsman's Office, showed a copy he received of the petition, and said he is concerned both about the issues the petitioners raised and current conditions inside the penitentiary brought on by modified operations.
**END QUOTE. HE GOES ON LATER IN THE ARTICLE SAYING QUOTE**:
Eskridge said he doesn't want history to repeat itself. Several inmates at the Tecumseh State Correctional Institute signed a similar petition in 2015, weeks before the Mother's Day riot that resulted in the deaths of two inmates and millions of dollars in damage.
**END QUOTE. AND THEN LATER THE ARTICLE GOES ON TO SAY HOW PRISON MANAGEMENT RESPONDED. QUOTE**:
In response to questions regarding the petition, NDCS [Nebraska Dept of Correctional Services] Director Scott Frakes sent this statement: "Any petitions submitted by inmates must follow the specific protocol outlined in Title 68 of the Nebraska Administrative Code. The reason for those steps is to ensure that there is uniform and fair process for handling all petitions. The petition filed by inmates at the Nebraska State Penitentiary was not filed properly and to accept it would violate approved standards. As such, it will not receive an official response. Issues raised in the document will be reviewed. If the petition is properly resubmitted, it will be processed appropriately."
**END QUOTE. THAT OMBUDSMAN REALLY GETS RESULTS, DOESN’T HE?**

6. Failed in Canada

Prison Ombudsman didn’t solve in Canada and the problem also applies to the US

**[Analysis: The ombudsman can only advocate for resolution of things that are violations of rules or laws. If it’s legal, even if it’s bad, the ombudsman can’t do a thing. Only the legislature can solve.]**

Lisa C. Kerr 2015. (JSD Candidate and Trudeau Foundation scholar at New York University School of Law) “The Chronic Failure to Control Prisoner Isolation in US and Canadian Law” (accessed 17 Feb 2022) https://journal.queenslaw.ca/sites/journal/files/Issues/Vol%2040%20i2/2.%20Kerr.pdf



7. Alaska “success” isn’t much to boast about. Solves trivia, ignores systemic issues

Alaska ombudsman didn’t investigate systemic issues like overcrowding…

Sean McGuire 2022 (journalist) 6 Jan 2022 “Alaska Ombudsman investigates Juneau prison COVID-19 complaints, but broader issues remain” <https://www.alaskasnewssource.com/2022/01/07/alaska-ombudsman-investigates-juneau-prison-covid-19-complaints-broader-issues-remain/> (accessed 18 Feb 2022) (brackets added)

Kate Burkhart, Alaska state ombudsman, said the office did not look deeply into systemic issues like overcrowding, keeping the investigation narrowly focused on the complaints to avoid going down a rabbit hole. But the report did note that overcrowding was a “complicating factor” for managing COVID-19. ”Overcrowding is always an issue, even when we’re not as full as we are,” [Lemon Creek Correctional Center Superintendent Bob] Cordle said last week.

But the Alaska Ombudsman got the hand sanitizer crisis resolved!!

Sean McGuire 2022 (journalist) 6 Jan 2022 “Alaska Ombudsman investigates Juneau prison COVID-19 complaints, but broader issues remain” <https://www.alaskasnewssource.com/2022/01/07/alaska-ombudsman-investigates-juneau-prison-covid-19-complaints-broader-issues-remain/> (accessed 18 Feb 2022) (brackets added)

One complainant was frustrated that the hut did not have running water for people to wash their hands. The prison used hand sanitizer and waterless soap instead. “I feel like in the middle of a pandemic, where one of the most important strategies is washing your hands, people should have the ability to wash their hands, effectively,” [Alaska Ombudsman Kate] Burkhart said. The ombudsman brought the issue to the department and a sink was installed in the hut.

8. More reports sent to the Attorney General won’t solve

Even the Attorney General can’t get federal prisons to obey his directives

Associated Press 2020. “Watchdog finds flawed coronavirus response at California prison” 23 July 2020 <https://www.desertsun.com/story/news/health/2020/07/23/watchdog-finds-flawed-cornavirus-response-california-prison/5494278002/> (accessed 27 Jan 2022)

In addition, though Attorney General William Barr directed the federal prison system to reduce the prison population by making more liberal use of home confinement and to expand the criteria for such transfers, Lompoc officials did so sparingly. “Despite this admonition, the data does not reflect that the BOP took immediate action at Lompoc," the report said.

Nothing new: The Attorney General under Obama in 2013 couldn’t get them to do anything either

Andrew Cohen 2013. (journalist) “Government Watchdog: We Have a Growing Federal Prison 'Crisis'” <https://www.theatlantic.com/national/archive/2013/12/government-watchdog-we-have-a-growing-federal-prison-crisis/282341/> (accessed 27 Jan 2022)

Finally, the OIG criticized the pace of one of the other "reforms" that Attorney General Holder touted so loudly this summer. The "compassionate release" program, in which inmates who clearly don't pose a security threat are permitted to leave prison, should be a no-brainer. And it has bipartisan support. And yet the OIG reveals that the Justice Department has failed or refused for a number of years to adequately implement the program, revising its policies on the same day that the OIG issued a report critical of those very policies.

DISADVANTAGES

1. Staff safety endangered. Ombudsman prioritizes prisoner comfort over employee safety

Link: Washington State (cited by AFF as a “success”) recommended reducing solitary confinement

Austin Jenkins 2021 (journalist) 4 Aug 2021. “Serious gaps in mental health care in Washington prisons, report warns” <https://www.kuow.org/stories/serious-gaps-in-mental-health-care-in-washington-prisons-report-warns> (accessed 17 Feb 2022) (brackets added)

Another ongoing concern of the OCO [Office of the Corrections Ombuds] is the use of solitary confinement, which is also called intensive management or segregation. The report notes that people with serious mental health conditions are often assigned to a solitary cell for long periods of time.

Link: Correctional Officer (CO) safety should be the paramount goal above anything in the AFF Plan

Frank V. Ferdik & Hayden P. Smith 2017 (Ferdik - Department of Criminology and Criminal Justice, University of West Florida, Pensacola. Smith - Department of Criminology and Criminal Justice, University of South Carolina, Columbia) Correctional Officer Safety and Wellness Literature Synthesis, July 2017 <https://www.ojp.gov/pdffiles1/nij/250484.pdf> (accessed 20 Sept 2021)

Officers are tasked with demanding and often conflicting work responsibilities that increase their risk for physical and mental health problems such as injuries, stress, and even death. Officers must interact with and supervise potentially dangerous individuals such as gang members, inmates with mental illness, and those with communicable diseases, which further complicates officers’ health issues. According to the research cited above, officers, regardless of security assignment, recognize the danger to which they are subject as a result of their profession. Many scholars conclude that employment as a CO is among the most dangerous and life threatening of all professions, including law enforcement. Given how COs are heavily relied upon to supervise inmate behavior, establish order in their facilities, and maintain wider institutional security, it is paramount that correctional practitioners, researchers, administrative officials, and other interested stakeholders begin developing more effective and widely used strategies for enhancing the general well-being of this critically important workforce.

Impact: More attacks against staff when solitary confinement is reduced

Charles E. Samuels 2014. (Director, Federal Bureau of Prisons) 25 Feb 2014 Statement before the Subcommittee on the Constitution, Civil Rights and Human Rights of the Senate Judiciary Committee <https://www.congress.gov/event/113th-congress/senate-event/LC60861/text?s=1&r=46> (accessed 19 Sept 2021)

We are only interested in placing individuals in restrictive housing when there is a legitimate reason and justification. With our system being so large, we have over 20,000 gang members in our system. They are watching this hearing. They are watching our testimony very, very closely, for the reason being if they see that we will lower our standards, we will not hold individuals accountable, it puts our staff at risk, it puts other inmates at risk, and this is why I mentioned in my oral statement that not only are we looking at staff being injured and harmed, our staff are putting their lives on the line every single second of the day to protect the American public.

2. Masking Disadvantage. False solution (the AFF Plan) distracts us from what would really solve

We’ve known since 2013 that the solution isn’t more reports. It’s 1) more money from Congress and 2) change the laws to stop putting so many people in prison

Andrew Cohen 2013. (journalist) “Government Watchdog: We Have a Growing Federal Prison 'Crisis'” <https://www.theatlantic.com/national/archive/2013/12/government-watchdog-we-have-a-growing-federal-prison-crisis/282341/> (accessed 27 Jan 2022) (brackets added)

Listening to [Justice Dept. Inspector General, Michael] Horowitz explain the OIG's [Office of the Inspector General] emphasis on federal prisons, it's clear that he's trying, as diplomatically as possible, to raise the alarm about the lack of progress the Justice Department—and specifically the BOP—has shown in reacting to the changing dynamics of the inmate population. "Even though the Department since 2006 has been identifying prison overcrowding and prison capacity as a material performance weakness," he told me, "over that seven year period, the numbers haven't improved, they've gotten arguably worse, and are on the path... to continue to get worse in the years ahead." Something's gotta give. One solution, Horowitz says, is for Congress to simply appropriate more money for prisons. Another is that "the Department and Congress can agree on legislation that can alter various statutes." (And, indeed, [that is happening](http://www.leahy.senate.gov/press/bipartisan-legislation-to-give-judges-more-flexibility-for-federal-sentences-introduced)). The memo, however, is designed to focus the executive branch's attention to  "what exists today. The Department does have some ability to have an impact on this current situation," he says, whether it's at the charging stage in a criminal case, the sentencing stage of such a case, or upon inmates who already are in the system.

Impact: Problems get worse

The root cause of the problem is so far removed from the AFF case that if you vote Affirmative, you will be contributing to a mindset that thinks that’s what we need to do to solve. Policy-makers will falsely believed they’ve made substantial progress on improving federal prisons, and won’t do the steps it would really take to solve. IF you believe there are problems in the Status Quo, their plan makes it more likely that the problems will get worse by giving false hope and distracting us from really solving them.