Negative: Gardens

By “Coach Vance” Trefethen

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

Case Summary: The AFF believes having gardens in federal prisons would help rehabilitate prisoners. Part of their evidence comes from a local (non-federal) jail, Rikers Island, in NY City, where short term (and some pre-conviction) prisoners are held, which claimed gardening reduced recidivism.

Negative: Gardens 3

OPENING QUOTES / NEG PHILOSOPHY 3

Empty Garden 3

INHERENCY 3

1. Mental health care programs 3

Mental health capacity has been increased, staff increased, and services are widely available 3

HARMS / SIGNIFICANCE 4

1. A/T “Mental Health problems in Federal Prisons” – Crisis is exaggerated 4

Definitions of mental illness have been improperly expanded. It’s over-diagnosed, and a lot of times simply labeling feelings or behavior that didn’t used to be labeled as illness 4

“Mental illness” diagnoses and “diseases” are magically increasing out of thin air, without justification 4

Mental illness diagnoses are unreliable and inflated. Current standards could prove half the human race is mentally ill 5

All mental illness diagnoses are subjective opinions: There are zero physical indicators (biomarkers) that can indicate or measure it 6

Federal prison data confirms subjective diagnosis problem: How many mentally ill prisoners are there? 3%, 12%? 19%? 40%? 45%? 50%? 6

2. A/T “Violence and recidivism in Federal Prisons” 7

Federal Bureau of Prisons has better track record on violence and recidivism than most state prisons 7

All prisons have higher suicide rates than free society. But federal prisons are only slightly higher than society, and far lower than state prisons and jails 7

SOLVENCY 7

1. Garden recidivism statistics are meaningless #1: Selection bias 7

Affirmative’s own “Rikers Island” admits: Only good inmates are selected to participate, so OF COURSE they have lower recidivism rates 7

Federal statistics confirm: If you only look at non-violent offenders (like AFF does), the recidivism rates are much lower – even without gardens 8

Selection bias confounds recidivism statistics: Prisoners who want to reform are the ones most likely to participate in reform programs… So you can’t prove anything about the effectiveness of the programs themselves 8

Garden advocate admits: Prisoner must already have good behavior to get in a gardening program, so you can’t really compare recidivism rates 8

2. Garden recidivism numbers are meaningless #2: Confounding influences and factors 9

Garden advocate admits: Recidivism rates don’t prove anything because there are too many other factors besides gardens in an inmate’s life 9

3. Rikers Island gardens prove failure 9

Even an article generally supportive of gardens admits Rikers Island has a higher recidivism rate than most prisons. If gardens are so effective, shouldn’t it be LOWER? 9

Getting the same results as Rikers would be bad: Federal recidivism rates are already much lower 9

But wait, it’s worse: Rikers inmates are mostly not convicted of a crime and are not violent. And their recidivism rate, even with gardens, is still higher than federal prisons today 9

4. Job skills training doesn’t help 10

Post-release employment fails to reduce recidivism (Second Chance Act study) 10

5. Prisons cannot rehabilitate 10

Small scale programs don’t prove anything. Expecting prisons to rehabilitate is like expecting flowers to grow in the desert: Might happen rarely, but don’t plan on it 10

DISADVANTAGES 11

1. Harms mental health care – resources spread too thin 11

Link: Mental illness is over-diagnosed 11

Link: Accepting and trying to meet the over-diagnosed “needs” of mental illness distracts us from focusing on the truly ill 11

Impact: Turn the harms. The seriously ill can’t get treated when resources are spread thin trying to treat everyone. 11

2. Short staffing and prison violence 12

Link: Prison garden programs require extra work by prison staff. Example: Rikers Island 12

Link: BOP is already extremely short staffed (over 6000 empty positions) and can’t attract new employees 12

Impact: Big increase in prison violence when already short staffing is diverted to other programs besides guarding prisoners 12

3. Justice abandoned 13

Link: Gardens are part of the “reform” and “rehabilitation” agenda 13

Impact: Justice lost. All considerations of rehabilitation mean abandoning justice and the moral foundations of the universe 13

Impact: Justice is lost whenever we adopt any goal that looks forward to “what will be the results of the punishment?” rather than backwards at the question of “what punishment does that crime justly deserve?” 14

4. Drug abuse 14

Prisoners use gardens to plant marijuana 14

A/T “But we’ll have the guards check everything” 14

Negative: Gardens

OPENING QUOTES / NEG PHILOSOPHY

 Empty Garden

The NEG philosophy in this round is based on the 1981 Elton John hit song that he wrote when grieving over the recent death of John Lennon in New York. Lennon’s life is compared to a once flourishing patch of land in front of an apartment building in New York City, which, left unattended, becomes barren and worthless. His song ‘Empty Garden’ describes exactly this case: Evidence from a failed prison in New York City that has no application to anything is an Empty Garden that justifies a Negative ballot.

INHERENCY

1. Mental health care programs

Mental health capacity has been increased, staff increased, and services are widely available

Michael Carvajal 2020 (DIRECTOR, FEDERAL BUREAU OF PRISONS) Statement BEFORE THE COMMITTEE ON THE JUDICIARY SUBCOMMITTEE ON CRIME, TERRORISM, AND HOMELAND SECURITY U.S. HOUSE OF REPRESENTATIVES FOR A HEARING ON OVERSIGHT OF THE FEDERAL BUREAU OF PRISONS AND THE U.S. MARSHALS SERVICE 2Dec 2020 <https://www.congress.gov/116/meeting/house/111100/witnesses/HHRG-116-JU08-Wstate-CarvajalM-20201202.pdf> (accessed 11 July 2021) (brackets added)

The Bureau has a variety of programs, the most robust of which are Cognitive Behavioral Therapy (CBT) interventions for mental health and substance use disorders, anger management, and criminal thinking elimination. Literacy and occupational training programs are also widely available, and reentry-focused programs, such as parenting, are offered at all sites. Because the agency has such a large menu of programs covering all need areas, the Bureau has put forth considerable effort to ensure adequate capacity in our existing programs, and has been able to give access to more inmates by hiring staff into the positions authorized by Congress under FSA. [First Step Act]

HARMS / SIGNIFICANCE

1. A/T “Mental Health problems in Federal Prisons” – Crisis is exaggerated

Definitions of mental illness have been improperly expanded. It’s over-diagnosed, and a lot of times simply labeling feelings or behavior that didn’t used to be labeled as illness

Dr. Christopher Lane 2018. (PhD; teaches medical humanities and the history of medicine at Northwestern University. A former Guggenheim fellow, awarded the Prescrire Prize for Medical Writing; has held Northwestern’s Pearce Miller Research Professorship and is a member of the Center for Bioethics and Medical Humanities in the Feinberg School of Medicine) “Creating “Mental Illness” – An Interview with Christopher Lane“ quoted by Francesco Bellafante <https://www.madinamerica.com/2018/03/creating-mental-illness-interview-christopher-lane/> (accessed 12 July 2021)

The struggle to name something precisely is clearly a medical necessity, for physicians and patients alike, and one spanning centuries not just recent decades. But to answer your question better, just consider the example you cited earlier of Sir Aubrey Lewis, editor of ICD-8 (the basis for DSM-II), single-handedly deleting the word “reaction” from diagnoses such as “paranoid reaction” and “schizophrenic reaction.” In both cases, the term “reaction” indicates that the situation is dynamic, possibly short-lived, and tied to context or particular stressors (environmental, income-related, doubtless exacerbated by job-loss, homelessness, and so on). With the renaming of those conditions as “paranoia” and “schizophrenia,” all sense of reaction is lost at the stroke of a pen, it becomes much easier to imply that the conditions are innate and potentially lifelong; their recurrence will also seem closer to relapse than the repetition of a particular stressor. And with the rise of the term “disorder”—e.g., “depressive disorder,” “social anxiety disorder,” even “passive-aggressive personality disorder”—the not-so-hidden implication is that the root of the problem is biological/genetic rather than social/environmental. In short, how we describe something—especially in psychiatry—is profoundly deterministic.

“Mental illness” diagnoses and “diseases” are magically increasing out of thin air, without justification

Dr. Christopher Lane 2013. (PhD; teaches medical humanities and the history of medicine at Northwestern University. A former Guggenheim fellow, awarded the Prescrire Prize for Medical Writing; has held Northwestern’s Pearce Miller Research Professorship and is a member of the Center for Bioethics and Medical Humanities in the Feinberg School of Medicine ) How Shyness Became an Illness and Other Cautionary Tales about the DSM <https://cpb-us-e1.wpmucdn.com/sites.northwestern.edu/dist/2/790/files/2018/05/Lane-Shyness-as-a-Cautionary-Tale-about-the-DSM-Berlin-2013-z7a7ud.pdf> (accessed 12 July 2021) (article is undated but references material written in 2013 and none after)

When the American Psychiatric Association decided in 1980 to update its official list of mental disorders, it cited the existence of more than eighty new ones, many of them a source of ongoing controversy (American Psychatric Association: 1980). Among the new disorders were Social Phobia and Avoidant Personality Disorder, preludes to modified illnesses such as Social Anxiety Disorder, with descriptions so broad and open-ended they gave rise to charges that the APA was turning widespread traits into treatable conditions. The effect of such moves, scholars and fellow psychiatrists warned, was not merely to redefine norms of social interaction, itself a dangerous move, but also to medicalize large swaths of behavior with no previous relation to psychiatry or medicine (see for example Karp 1997, Kutchins and Kirk 1997, Horwitz 2003, Conrad 2007, Horwitz and Wakefield 2007 and Lane 20071 ). In 1968, to give weight to such charges, the association’s Diagnostic and Statistical Manual of Mental Disorders (DSM for short), to which I’m referring, cited 180 categories of mental disorders. By 1987, that number had grown to 292 and, by 1994, with the publication of DSM-IV, to over 350. In just twenty-six years, that is, the number of official mental disorders almost doubled, an outcome occurring nowhere else in the history of medicine.

Mental illness diagnoses are unreliable and inflated. Current standards could prove half the human race is mentally ill

Prof. Joel Paris 2020. (Professor of Psychiatry at McGill Univ. in Canada, where he served as Department Chair between 1997 and 2007 and Research Associate in the Dept of Psychiatry at the Jewish General Hospital. He is a former editor-in-chief of the *Canadian Journal of Psychiatry) Overdiagnosis in Psychiatry: How Modern Psychiatry Lost Its Way While Creating a Diagnosis for Almost All of Life's Misfortunes, 2nd edition* <https://books.google.com/books?id=EbvyDwAAQBAJ&pg=PR15&lpg=PR15&dq=%22Diagnoses+are+made+rapidly+%E2%80%93+and+often+inaccurately.+Instead+of+listening%22&source=bl&ots=Hwv7N6jSGb&sig=ACfU3U2Ma3Xxbq28ZQMpJ4jURRkIUiCgPw&hl=en&sa=X&ved=2ahUKEwiB-LbcheHxAhW0KVkFHfIzDZIQ6AEwAnoECAoQAw#v=onepage&q=%22Diagnoses%20are%20made%20rapidly%20%E2%80%93%20and%20often%20inaccurately.%20Instead%20of%20listening%22&f=false> *(accessed 13 July 2021)*



All mental illness diagnoses are subjective opinions: There are zero physical indicators (biomarkers) that can indicate or measure it

**[Analysis: You can diagnose someone with high blood pressure by attaching a cuff to their arm and measuring it. You can diagnose diabetes by sampling their blood and measuring glucose levels. You cannot measure or diagnose ANY psychiatric “illness” in any such way because there are no “biomarkers” like these to indicate someone is “ill.” Mental illness is a set of symptoms subject to various interpretations and opinions, not a measurable pathology in the human body.]**

Prof. Joel Paris 2020. (Professor of Psychiatry at McGill Univ. in Canada, where he served as Department Chair between 1997 and 2007 and Research Associate in the Dept of Psychiatry at the Jewish General Hospital. He is a former editor-in-chief of the *Canadian Journal of Psychiatry) Overdiagnosis in Psychiatry: How Modern Psychiatry Lost Its Way While Creating a Diagnosis for Almost All of Life's Misfortunes, 2nd edition* <https://books.google.com/books?id=EbvyDwAAQBAJ&pg=PR15&lpg=PR15&dq=%22Diagnoses+are+made+rapidly+%E2%80%93+and+often+inaccurately.+Instead+of+listening%22&source=bl&ots=Hwv7N6jSGb&sig=ACfU3U2Ma3Xxbq28ZQMpJ4jURRkIUiCgPw&hl=en&sa=X&ved=2ahUKEwiB-LbcheHxAhW0KVkFHfIzDZIQ6AEwAnoECAoQAw#v=onepage&q=%22Diagnoses%20are%20made%20rapidly%20%E2%80%93%20and%20often%20inaccurately.%20Instead%20of%20listening%22&f=false> *(accessed 13 July 2021)*



Federal prison data confirms subjective diagnosis problem: How many mentally ill prisoners are there? 3%, 12%? 19%? 40%? 45%? 50%?

Justice Department, Office of the Inspector General 2017. “Review of the Federal Bureau of Prisons’ Use of Restrictive Housing for Inmates with Mental Illness” July 2017 <https://oig.justice.gov/reports/2017/e1705.pdf> (accessed 15 July 2021) (brackets added)

BOP [federal Bureau of Prisons] data showed that, as of 2015, only 3 percent of the BOP’s sentenced inmate population was being treated regularly for mental illness. Yet, the BOP’s FY 2016 Performance Budget Congressional Submission cited an internal BOP study, which suggested that approximately 19 percent of federal inmates had a history of mental illness. Moreover, a 2006 Bureau of Justice Statistics report concluded that 45 percent of federal inmates had symptoms or a recent history of mental illness. We found that the BOP cannot accurately determine the number of inmates who have mental illness because institution staff do not always document mental disorders. The BOP’s FY 2014 data estimates that approximately 12 percent of inmates have a history of mental illness; however, in 2015, the BOP’s Chief Psychiatrist estimated, based on discussions with institutions’ Psychology Services staffs, that approximately 40 percent of inmates have mental illness, excluding inmates with only personality disorder diagnoses. Similarly, one institution’s Deputy Chief Psychologist estimated that 50 percent of that institution’s inmates may have Antisocial Personality Disorder; nevertheless, we found that this disorder was documented for only about 3.3 percent of the BOP’s total inmate population.

2. A/T “Violence and recidivism in Federal Prisons”

Federal Bureau of Prisons has better track record on violence and recidivism than most state prisons

Michael Carvajal 2020 (DIRECTOR, FEDERAL BUREAU OF PRISONS) Statement BEFORE THE COMMITTEE ON THE JUDICIARY SUBCOMMITTEE ON CRIME, TERRORISM, AND HOMELAND SECURITY U.S. HOUSE OF REPRESENTATIVES FOR A HEARING ON OVERSIGHT OF THE FEDERAL BUREAU OF PRISONS AND THE U.S. MARSHALS SERVICE 2Dec 2020 <https://www.congress.gov/116/meeting/house/111100/witnesses/HHRG-116-JU08-Wstate-CarvajalM-20201202.pdf> (accessed 11 July 2021)

As the Subcommittee recognizes, it is imperative that we effectively reintegrate individuals back into the community following release from prison to reduce the likelihood of future criminal behavior and associated victimization. To that end, the mission of the Bureau is to confine offenders in prisons and community-based facilities that are safe, humane, cost-efficient, and secure, and to assist inmates in becoming productive, law-abiding citizens when they return to our communities. The Bureau has had great success with respect to both parts of our mission: we have low rates of inmate on staff and inmate on inmate assaults, disturbances, and escapes, and our recidivism rate is lower than that found in most studies of state prisons using comparable definitions and methodologies.

All prisons have higher suicide rates than free society. But federal prisons are only slightly higher than society, and far lower than state prisons and jails

Kristiana J. Dixon PhD, Allison M. Ertl PhD, Rachel A. Leavitt MPH, Kameron J. Sheats PhD, Katherine A. Fowler PhD, Shane P. D. Jack PhD 2020. (all are with 1Division of Violence Prevention, National Center for Injury Prevention and Control, Centers for Disease Control and Prevention, Atlanta) <https://stacks.cdc.gov/view/cdc/94033/cdc_94033_DS1.pdf> (accessed 12 July 2021)

Suicide rates are higher among incarcerated than nonincarcerated persons (Konrad et al., 2007; Snow et al., 2002). In 2014, the suicide rate was 50 per 100,000 jail inmates (Noonan, 2016a), 20 per 100,000 state prisoners, and 14 per 100,000 federal prisoners (Noonan, 2016b), while the age-adjusted suicide rate for the entire U.S. population was 12.9 per 100,000 (Centers for Disease Control and Prevention [CDC], 2017).

SOLVENCY

1. Garden recidivism statistics are meaningless #1: Selection bias

Affirmative’s own “Rikers Island” admits: Only good inmates are selected to participate, so OF COURSE they have lower recidivism rates

NEW YORK TIMES 2019. (journalist Richard Schiffman) “The Secret Jailhouse Garden of Rikers Island” 4 Oct 2019 <https://www.nytimes.com/2019/10/04/nyregion/garden-rikers-island.html> (accessed 19 Feb 2022)

But according to Sander van der Linden, a professor of social psychology at the University of Cambridge, it is difficult to say whether green prison programs are the cause of this difference. “Serious or violent offenders are unlikely to qualify for such programs,” he said. “So perhaps those who are selected into them were less likely to reoffend to begin with.”

Federal statistics confirm: If you only look at non-violent offenders (like AFF does), the recidivism rates are much lower – even without gardens

Matthew Clarke 2019 (journalist) “Long-Term Recidivism Studies Show High Arrest Rates” 3 May 2019 PRISON LEGAL NEWS <https://www.prisonlegalnews.org/news/2019/may/3/long-term-recidivism-studies-show-high-arrest-rates/> (accessed 19 Feb 2022)

A U.S. Sentencing Commission report on recidivism among federal prisoners, released on January 24, 2019, showed that nearly 64% of prisoners who had been convicted of violent offenses were arrested within eight years compared with about 40% of those convicted of nonviolent offenses. The study, which was based on 25,431 federal prisoners released in 2005, found violent offenders had a higher arrest rate across all age categories – the opposite of the finding for state prisoners.

Selection bias confounds recidivism statistics: Prisoners who want to reform are the ones most likely to participate in reform programs… So you can’t prove anything about the effectiveness of the programs themselves

Arthur Rizer 2019. (Former Director, Criminal Justice & Civil Liberties and Resident Senior Fellow at the R STREET INSTITUTE) “The Power of Choice in Prison Programming” 23 July 2019 <https://www.rstreet.org/2019/07/23/the-power-of-choice-in-prison-programming/#:~:text=In%20a%20prison%20setting%2C%20selection,desire%20to%20improve%20their%20lives>. (accessed 19 Feb 2022)

Moreover, at least part of the gap between the statistics trumpeted by program directors and those found in academic studies comes from [selection bias](https://www.iwh.on.ca/what-researchers-mean-by/selection-bias). This error implies that those who opted to participate in reentry programming may have already been more likely to experience different outcomes than the people who did not participate, even if the program itself had no effect on the outcome of interest. In a prison setting, selection bias means that individuals volunteering to participate in a particular program may simply be those who have a real desire to improve their lives. Given that this desire to change is likely a key element of success after release, it should not be surprising that those voluntarily choosing to participate in any type of program are less likely to return to incarceration after release than those who choose not to participate.

Garden advocate admits: Prisoner must already have good behavior to get in a gardening program, so you can’t really compare recidivism rates

(advocate for prison gardens) Rachel Jenkins 2016. (Master of Public Health) 3 May 2016 “Landscaping in Lockup: The Effects of Gardening Programs on Prison Inmates” Arcadia University, Graduate Theses & Dissertations. Paper 6. <https://scholarworks.arcadia.edu/cgi/viewcontent.cgi?article=1005&context=grad_etd> (accessed 19 Feb 2022)

Limitations of this study include a lack of differentiation of men versus women and a lack of differentiation between rural and urban programs, both of which may affect outcomes. An inmate must also demonstrate good behavior to be in a prison gardening program. This could be a confounding variable when using recidivism rate data.

2. Garden recidivism numbers are meaningless #2: Confounding influences and factors

Garden advocate admits: Recidivism rates don’t prove anything because there are too many other factors besides gardens in an inmate’s life

(advocate for prison gardens) Rachel Jenkins 2016. (Master of Public Health) 3 May 2016 “Landscaping in Lockup: The Effects of Gardening Programs on Prison Inmates” Arcadia University, Graduate Theses & Dissertations. Paper 6. <https://scholarworks.arcadia.edu/cgi/viewcontent.cgi?article=1005&context=grad_etd> (accessed 19 Feb 2022)

The effects of gardening programs on the inmate population are difficult to evaluate because many of the effects that gardening programs have on individuals cannot be measured. An assessment of outcomes for each participant is difficult also because each person has individual circumstances, backgrounds, goals, and challenges (Khatib & Krasny, 2015). Some prison gardening programs such as those discussed above have tracked success using recidivism rates as a measure (Khatib & Krasny, 2015). While recidivism rates tell a lot about how participants deal with life following incarceration, this data alone is insufficient to evaluate the more detailed effects that prison gardening programs have on inmates.

3. Rikers Island gardens prove failure

Even an article generally supportive of gardens admits Rikers Island has a higher recidivism rate than most prisons. If gardens are so effective, shouldn’t it be LOWER?

NEW YORK TIMES 2019. (journalist Richard Schiffman) “The Secret Jailhouse Garden of Rikers Island” 4 Oct 2019 <https://www.nytimes.com/2019/10/04/nyregion/garden-rikers-island.html> (accessed 19 Feb 2022)

According to Prof. Deborah Koetzle of the John Jay College of Criminal Justice, 68 percent of those released from U.S. prisons are rearrested within three years. On Rikers, the recidivism problem is even worse: close to half return to jail within a year.

Getting the same results as Rikers would be bad: Federal recidivism rates are already much lower

United States Sentencing Commission 2016. (bipartisan independent agency in the judicial branch of the federal government) “Recidivism Among Federal Offenders: A Comprehensive Overview” March 2016 <https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2016/recidivism_overview.pdf> (accessed 19 Feb 2022)

Using reconviction as the measure of recidivism, BJS found that 55.4 percent of state offenders had an arrest within five years that led to a conviction. The reconviction rate for federal offenders over the same length of time was 26.0 percent. When recidivism is measured by reincarceration, BJS found a 28.2 recidivism rate for state offenders within five years that led to an incarceration, compared to 20.7 percent of the federal offenders in the Commission’s study.

But wait, it’s worse: Rikers inmates are mostly not convicted of a crime and are not violent. And their recidivism rate, even with gardens, is still higher than federal prisons today

Sheila Flynn 2021 (journalist) 12 Oct 2021 “New York’s infamous Rikers Island prison is nearly completely controlled by the prisoners, report says” https://www.independent.co.uk/news/world/americas/crime/rikers-island-prison-chaos-control-b1937020.html

“Rikers houses more than 4,800 detainees on a given day, a majority of whom are awaiting trial and have not been convicted of a crime. Most do not commit violent acts, and a significant number struggle with mental illness,” the Times reported.

4. Job skills training doesn’t help

Post-release employment fails to reduce recidivism (Second Chance Act study)

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)

Do significant gains in employment mean less recidivism? The Second Chance Act evaluation states that, “Being in the program group increased earnings. In each of those same quarters, those in the program group earned, on average, $780 to $1,000 more than those in the control group. This represents a boost in earnings of between 64 percent and 83 percent. The differences are statistically significant in both quarters.” Yet there was no impact on recidivism.

5. Prisons cannot rehabilitate

Small scale programs don’t prove anything. Expecting prisons to rehabilitate is like expecting flowers to grow in the desert: Might happen rarely, but don’t plan on it

Dr J.M. Moore 2016 (Senior Lecturer in Criminology, Newman University, Birmingham, England) 10 Nov 2016 “Dr JM Moore is Senior Lecturer in Criminology, Newman University, Birmingham <https://www.crimeandjustice.org.uk/resources/prisons-cannot-be-places-rehabilitation> (accessed 8 Sept 2021)

The ideology of rehabilitation tends to be deployed to provide a justification that the pain is being inflicted for the benefit of its recipients. Alongside many other examples of prison’s failure, the RSA highlights high reoffending rates. This, it argues, represents prison's failure to rehabilitate. To remedy this failure, it proposes that government ‘create a rehabilitation requirement’ and impose it on prisons. If only it were that simple! From [Fenner Brockway](https://books.google.co.uk/books?id=tYJDAAAAIAAJ&q)’s observation, in the 1920s, that ‘if reform is to become the principal object, the prison system must be scrapped altogether’, to [Frances Crook](http://howardleague.org/blog/rehabilitativeprisons/)'s acknowledgement, in 2016, that ‘the idea that we can create a structure that rehabilitates people is flawed’, reformers have acknowledged that prison cannot rehabilitate. The report offers no new theory of rehabilitation, or indeed practical proposals for achieving it. Ultimately, all it can offer is a belief in the prison system's ‘potential impact on reducing reoffending’, together with some isolated examples of current initiatives which suggest rehabilitative benefits. These examples are generally on a small scale and generously resourced. Flowers do grow in the desert, particularly if well-watered, but that is no reason to believe deserts are appropriate places for the cultivation of flowers.

DISADVANTAGES

1. Harms mental health care – resources spread too thin

Link: Mental illness is over-diagnosed

Cross apply Significance evidence above

Link: Accepting and trying to meet the over-diagnosed “needs” of mental illness distracts us from focusing on the truly ill

Prof. Joel Paris 2020. (Professor of Psychiatry at McGill Univ. in Canada, where he served as Department Chair between 1997 and 2007 and Research Associate in the Dept of Psychiatry at the Jewish General Hospital. He is a former editor-in-chief of the *Canadian Journal of Psychiatry) Overdiagnosis in Psychiatry: How Modern Psychiatry Lost Its Way While Creating a Diagnosis for Almost All of Life's Misfortunes, 2nd edition* <https://books.google.com/books?id=EbvyDwAAQBAJ&pg=PR15&lpg=PR15&dq=%22Diagnoses+are+made+rapidly+%E2%80%93+and+often+inaccurately.+Instead+of+listening%22&source=bl&ots=Hwv7N6jSGb&sig=ACfU3U2Ma3Xxbq28ZQMpJ4jURRkIUiCgPw&hl=en&sa=X&ved=2ahUKEwiB-LbcheHxAhW0KVkFHfIzDZIQ6AEwAnoECAoQAw#v=onepage&q=%22Diagnoses%20are%20made%20rapidly%20%E2%80%93%20and%20often%20inaccurately.%20Instead%20of%20listening%22&f=false> *(accessed 13 July 2021)*



Impact: Turn the harms. The seriously ill can’t get treated when resources are spread thin trying to treat everyone.

Prof. Joel Paris 2020. (Professor of Psychiatry at McGill Univ. in Canada, where he served as Department Chair between 1997 and 2007 and Research Associate in the Dept of Psychiatry at the Jewish General Hospital. He is a former editor-in-chief of the *Canadian Journal of Psychiatry) Overdiagnosis in Psychiatry: How Modern Psychiatry Lost Its Way While Creating a Diagnosis for Almost All of Life's Misfortunes, 2nd edition* <https://books.google.com/books?id=EbvyDwAAQBAJ&pg=PR15&lpg=PR15&dq=%22Diagnoses+are+made+rapidly+%E2%80%93+and+often+inaccurately.+Instead+of+listening%22&source=bl&ots=Hwv7N6jSGb&sig=ACfU3U2Ma3Xxbq28ZQMpJ4jURRkIUiCgPw&hl=en&sa=X&ved=2ahUKEwiB-LbcheHxAhW0KVkFHfIzDZIQ6AEwAnoECAoQAw#v=onepage&q=%22Diagnoses%20are%20made%20rapidly%20%E2%80%93%20and%20often%20inaccurately.%20Instead%20of%20listening%22&f=false> *(accessed 13 July 2021)*



2. Short staffing and prison violence

Link: Prison garden programs require extra work by prison staff. Example: Rikers Island

Rachel Jenkins 2016. (Master of Public Health) 3 May 2016 “Landscaping in Lockup: The Effects of Gardening Programs on Prison Inmates” Arcadia University, Graduate Theses & Dissertations. Paper 6. <https://scholarworks.arcadia.edu/cgi/viewcontent.cgi?article=1005&context=grad_etd> (accessed 19 Feb 2022)

In order to assess the GreenHouse and GreenTeam programs, inmate information is entered into a database as soon as they start participating in GreenHouse (Khatib & Krasny, 2015). Database information helps staff to track participant development and status throughout the program and following release (Khatib & Krasny, 2015). The database is individualized enough to allow staff to prepare a personal plan for each inmate and make contacts with programs, agencies, and employers while the inmates are still in prison at Rikers Island (Khatib & Krasny, 2015).

Link: BOP is already extremely short staffed (over 6000 empty positions) and can’t attract new employees

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.

Impact: Big increase in prison violence when already short staffing is diverted to other programs besides guarding prisoners

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.

3. Justice abandoned

Link: Gardens are part of the “reform” and “rehabilitation” agenda

NEW YORK TIMES 2019. (journalist Richard Schiffman) “The Secret Jailhouse Garden of Rikers Island” 4 Oct 2019 <https://www.nytimes.com/2019/10/04/nyregion/garden-rikers-island.html> (accessed 19 Feb 2022)

Stacey King, executive director for educational services at the Department of Correction, said that lessons learned in the garden program are being applied to a recently instituted “reform agenda,” which includes initiating a number of so-called “re-entry programs” that train people in trades like automobile repair, carpentry and cooking.

Impact: Justice lost. All considerations of rehabilitation mean abandoning justice and the moral foundations of the universe

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



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

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



4. Drug abuse

Prisoners use gardens to plant marijuana

Emily Brooks 2016 (journalist) 11 Aug 2016 “Inmates Caught Growing Weed After Taking Part In Prison's Horticulture Program” <https://www.huffpost.com/archive/au/entry/victorian-inmates-caught-growing-marijuana-in-fulham-prison_a_21449322> (accessed 19 Feb 2022)

Prisoners in a Victorian jail may no longer be living the high life after a crop of 28 cannabis plants was discovered in the prison vegetable patch. It appears some of the prisoners at Fulham Correctional Centre -- a medium security prison outside of Melbourne -- became extremely enthusiastic about the prison horticulture program, planting the cannabis crops in between the regular plants grown in the program.

A/T “But we’ll have the guards check everything”

Great, then cross apply and increase Disad #2 about short staffing. Even more staffing has to be diverted now.