

NOVEMBER 2011

INTRODUCTION

Last week Congress passed a 2012 budget for the U.S. Department of Justice that puts locking people up ahead of helping reduce delinquency, protecting youth that do come into contact with the juvenile justice system, and improving outcomes for the formerly incarcerated. This brief is intended to show the potential impacts of these funding schemes and what can be done instead to improve communities.

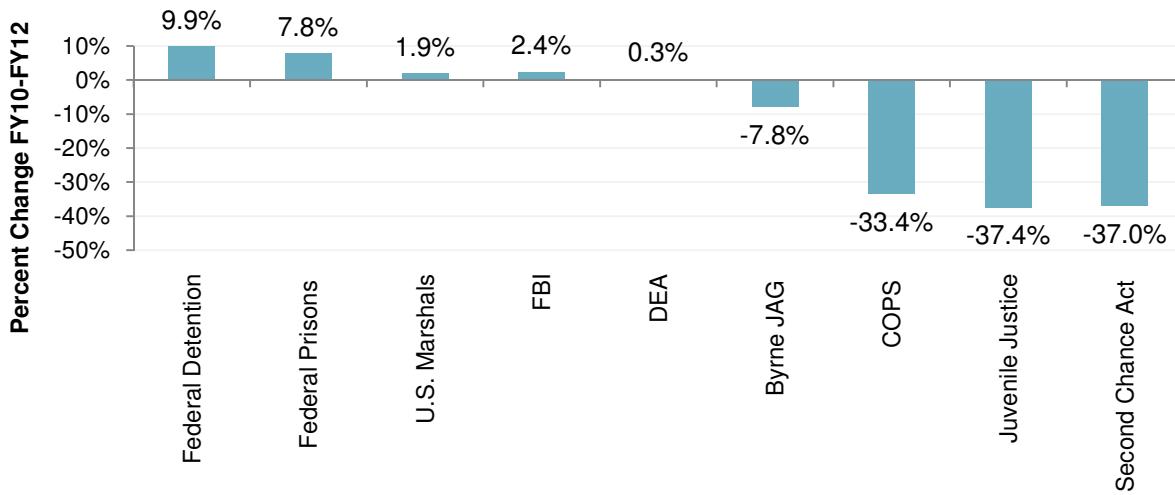
JUVENILE JUSTICE

Juvenile Justice Programs received \$546.9 million in FY2002. Funding has been dropping almost consistently since then, and with the proposed FY2012 budget, down to \$263 million.¹ Title II juvenile justice and delinquency prevention grants that support efforts to develop and implement

comprehensive state juvenile justice plans that received \$75 million in FY10 are reduced to \$40 million. Justice Accountability Block Grants that were funded at \$53 million in FY2010 were cut to \$30 million.

Title V, which provides resources to local government for a broad range of delinquency prevention programs and activities to benefit youth who are at risk of having contact with the juvenile justice system, is reduced to \$20 million in FY2012, with all of these funds earmarked for specific programs. Investments in juvenile justice delinquency prevention programs are associated with improved public safety and better life outcomes for youth. Evidence-based programs for youth have been shown to produce up to \$13 in benefits for every one dollar spent, in terms of improved public safety.²

Federal prisons and police exempt from budget cuts.



Sources: www.whitehouse.gov/sites/default/files/omb/budget/fy2012/assets/justice.pdf; www.rules.house.gov/Media/file/PDF_112_1/Committee%20Jurisdiction%20Reports/CR2112%201114s.pdf

Likely Result of Less Funding for Juvenile Justice

Over 80,000 youth are currently locked up in juvenile detention and correctional facilities across the country.³ Reducing the amount of money spent on prevention may result in an increase in this number, a reduction in public safety, and negative life outcomes for youth, who could be better served through positive opportunities for growth. Taking away funding for states to come into compliance with the core protections of the Juvenile

Justice and Delinquency Prevention Act can result in more youth being held in juvenile facilities and poorer conditions while they are incarcerated and when they get out.

“There will be less money for local cops, but more money for FBI agents. Less to repair public-housing complexes... But more to fix crowded prisons.”

David Fahrenthold, “House, Senate pass budget bill to avert shutdown,” *The Washington Post*, November 17, 2011.

prison populations and saving money in the long run.

PRISONS AND DETENTION

The federal Bureau of Prisons currently confines approximately 219,075 people.⁵ With an additional \$474 million over FY2010’s budget for buildings and facilities, the federal government plans on constructing new prisons, increasing the number of prison beds and the potential for more people in prison.

The Federal Detention Trustee, which is responsible for locking up people whose immigration status is in question, also is budgeted to receive almost 10 percent more money in 2012 than 2010, up to over \$1.58 billion.

SECOND CHANCE ACT

Research shows that nearly two out of every three people released from prison will be re-arrested within three years of release.⁴ These high re-arrest rates call for intervention to ensure the safe and constructive return of individuals into the community and to improve public safety. The FY2012 budget reduces funding from \$100 million in 2010 to \$63 million. If well-invested in evidence-based programs, investments in re-entry could significantly improve the outcomes of people leaving prisons.

Likely Result of Less Funding for Re-Entry

Investing in re-entry programs that support people returning to the community by helping them find meaningful employment, educational opportunities and substance abuse treatment will improve public safety and lower recidivism rates, thereby reducing

As the Justice Policy Institute’s report, *“Gaming the System,”* revealed, the privatization of significant portions of the federal prison and detention systems means that corporations are lobbying to have these budgets increased.⁶ In 2010 and 2011 to date, the two largest private prison corporations, the GEO Group and Corrections Corporation of America, have already reported spending \$2.6 million lobbying the federal government and \$76,000 this election cycle to federal campaigns through PACs and individual contributions.⁷

Likely Result of More Funding for Prisons and Detention

Increasing funding for more prison beds has been shown to be a self-fulfilling prophecy: if you build it, they will come. Adding two new prisons and a thousand contract beds will lead to higher prison populations and expenses, without significantly improving public safety.⁸ In addition, it is out of step

with state efforts to reduce prison populations and cut spending on corrections and sets a bad example for continued positive investments in intervention, prevention, and alternatives.

BYRNE GRANTS

Byrne Grants are set to receive \$470 million in federal funds in FY2012 to fund law enforcement activities, including many that are shown to increase prison populations. Although this is a reduction from previous years, too much is still being spent on ineffective law enforcement practices. Byrne grants can be used for a number of different purposes, including multi-jurisdictional task forces, prevention and education, technology and evaluation, and prosecution. While grants are available for all of these purpose areas, recent history shows that most of the money goes to law enforcement, rather than prevention, drug treatment, or community services.⁹

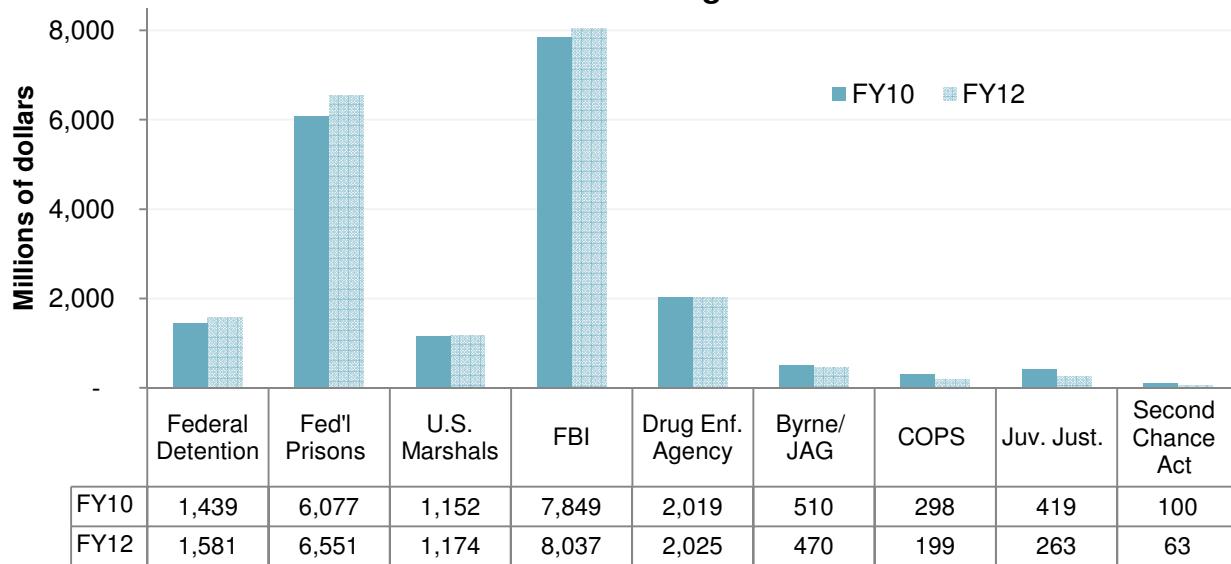
Likely Result of Funding for Byrne Grants

Research shows that localities that spend more on law enforcement have higher incarceration and drug imprisonment rates than localities that spend less.¹⁰ This emphasis on the “supply side” of the drug problem has not been successful in reducing drug use: the rate of current illicit drug use among persons aged 12 or older in 2007 (8 percent) has remained relatively stable since 2002.¹¹ Focusing resources on law enforcement to prevent crime often results in increased prison populations, without necessarily improving public safety. The increase in funding for law enforcement is likely to significantly increase this number, leading to increased federal, state, and local incarceration costs.

COPS GRANTS

COPS Grants are set to receive \$199 million in FY2012, a significant cut from FY2010 amounts, but still a large sum for a program that has not been proven to be an effective

Juvenile Justice and Delinquency Prevention Act and the Second Chance Act were already a small part of U.S. Department of Justice budget



Sources: www.whitehouse.gov/sites/default/files/omb/budget/fy2012/assets/justice.pdf; www.rules.house.gov/Media/file/PDF_112_1/Committee%20Jurisdiction%20Reports/CR2112%201114s.pdf

public safety tool. According to the United States Government Accountability Office, "Factors other than COPS funds accounted for the majority of the decline in crime during this period. For example, between 1993 and 2000, the overall crime rate declined by 26 percent, and the 1.3 percent decline due to COPS, amounted to about 5 percent of the overall decline. Similarly, COPS contributed about 7 percent of the 32 percent decline in violent crime from 1993 to 2000."¹²

In 2010, just under \$16 million of federal COPS funding was spent to put school resource officers and other law enforcement in schools, a practice which causes more harm than good, according to a recent report by the Justice Policy Institute, "*Education Under Arrest*."¹³ Police in schools lead to more kids being arrested for misconduct that could and should have been handled by school officials, resulting in more kids being funneled into the juvenile justice system and having their education disrupted, perhaps never to be resumed. While we don't know how much of the current funding will go to put police in schools, federal funding would be better spent in the education system itself, on programs and policies shown to both promote school safety and improve student outcomes.

The Office of Management and Budget Federal 2011 Budget factsheet for the Department of Justice claimed that hiring and retaining police officers "will help states and communities prevent the growth of crime as the nation's economy recovers."¹⁴ Although a variety of factors affect crime rates, evidence indicates that a recovering economy and increased employment is not likely to increase crime.¹⁵ In fact, just-released data from the Bureau of Justice Statistics shows that the homicide rate in the U.S. is at a 40 year low.¹⁶

Likely Result of Funding for COPS Grants

In the 1990s, COPS grants caused the prison population to grow by 45 percent and state corrections spending by 76 percent over 7 years.¹⁷ Continuing this program is likely to further increase the prison population.

FEDERAL LAW ENFORCEMENT

Both the FBI and the Drug Enforcement Administration (DEA) are budgeted to receive increases in funding, despite decreases in crime. With crime rates falling, both agencies should have been targeted for budget cuts. In particular, as public opposition to the "War on Drugs" is growing, the federal government should re-examine the negative impacts of continuing to pursue a law enforcement approach to drug addiction, when a public health approach has been shown to be much more successful.¹⁸

Likely Result of More Funding for Federal Law Enforcement

Similar to efforts at the state and local level, increasing federal law enforcement will likely result in more people arrested for lower level drug and other offenses and increased prison populations.

RECOMMENDATIONS FOR IMPROVING PUBLIC SAFETY

There are currently more than 2.4 million people incarcerated in U.S. prisons and jails, the highest per capita rate in the world.¹⁹ Attempting to improve public safety through increased law enforcement and correctional spending is a failed approach. If the Administration and Congress want to spend scarce federal dollars to improve public safety, they should invest in programs and

policies that have been shown to have positive and long-lasting effects on individuals and communities. These programs include:

- community-based substance abuse and mental health treatment;
- evidence-based prevention programs for youth;
- employment, job skills, and education resources for underserved communities; and
- diversion programs that keep people from entering the corrections system.

Putting resources toward these positive opportunities is the most effective, and cost-effective, way of increasing public safety.

Justice Policy Institute is a national nonprofit organization dedicated to reducing the use of incarceration and the justice system and promoting policies that improve the well-being of all people and communities. For more information on effective public safety strategies, please visit our website, www.justicepolicy.org, or call 202-558-7974.

¹ Department of Justice, Budget Highlights, FY 2012. www.whitehouse.gov/sites/default/files/omb/budget/fy2012/assets/justice.pdf

² Elizabeth Drake, *Evidence-Based Juvenile Offender Programs: Program Description, Quality Assurance and Cost*. (Olympia WA: Washington State Institute for Public Policy, 2007). www.wsipp.wa.gov/rptfiles/07-06-1201.pdf

³ Melissa Sickmund, *Juveniles in Residential Placement, 1997–2008*. www.ncjrs.gov/pdffiles1/ojjdp/229379.pdf

⁴ Patrick A. Langan and David J. Levin, *Recidivism of Prisoners Released in 1994* (Washington, D.C.: Bureau of Justice Statistics, 2002). <http://bjs.ojp.usdoj.gov/content/pub/pdf/rpr94.pdf>

⁵ The Budget for Fiscal Year 2012, page 731.

⁶ Paul Ashton, *Gaming the System: How the Political Strategies of Private Prison Companies Promote Ineffective Incarceration Policies* (Washington, D.C.: Justice Policy Institute, 2011) www.justicepolicy.org/research/2614

⁷ Center for Responsive Politics www.opensecrets.org

⁸ Justice Policy Institute, *Factsheet: Percent Change in Incarceration and Crime Rates, 1998–2007* (Washington, D.C.: JPI, 2008)

⁹ National Criminal Justice Association, *Factsheet: Restore Funding for The Byrne/Justice Assistance Grant Program* (Washington, D.C.: NCJA, 2008) www.ncja.org/Content/NavigationMenu/GovernmentAffairs/Appropriations/JAGCutsResources/RestoreJAGFunding-4pgs.pdf

¹⁰ Phil Beatty, Amanda Petteruti, and Jason Ziedenberg, *The Vortex: The Concentrated Racial Impact of Drug Imprisonment and the Characteristics of Punitive Counties* (Washington, D.C.: Justice Policy Institute, 2007) www.justicepolicy.org/research/1953

¹¹ Substance Abuse and Mental Health Services Administration, Office of Applied Studies, *Results from the 2007 National Survey on Drug Use and Health: National Findings* (Rockville, MD: 2008)

¹² United States Government Accountability Office, *COPS Grants Were a Modest Contributor to Declines in Crime in the 1990s* (October 2005). www.gao.gov/highlights/d06104high.pdf

¹³ Amanda Petteruti, *Education Under Arrest: The Case Against Police In Schools* (Washington, D.C.: Justice Policy Institute, 2011) www.justicepolicy.org/research/3177

¹⁴ Office of Budget Management, "The Federal Budget, Fiscal Year 2011: Department of Justice," February 3, 2011.

¹⁵ Don Stemen, *Reconsidering Incarceration: New Directions for Reducing Crime* (New York, NY: Vera Institute of Justice, 2007). www.vera.org/content/reconsidering-incarceration-new-directions-reducing-crime

¹⁶ Bureau of Justice Statistics, "Homicides fall to lowest rate in four decades," October 16, 2011. <http://bjs.ojp.usdoj.gov/content/pub/press/htus8008pr.cfm>

¹⁷ National Association of State Budget Officers, *State Expenditure Reports*, www.nasbo.org; Bureau of Justice Statistics, *Corrections Populations at a Glance*, <http://bjs.ojp.usdoj.gov/content/glance/corr2.cfm>

¹⁸ Amanda Petteruti, *Finding Direction: Expanding Criminal Justice Options by Considering Policies of Other Nations* (Washington, D.C.: Justice Policy Institute, 2011) www.justicepolicy.org/research/2322

¹⁹ International Centre for Prison Studies, Kings College *World Prison Brief* (London, U.K.) www.kcl.ac.uk/depts/law/research/icps/worldbrief/wpb_stats.php?area=all&category=wb_poprate