

Doing the Same Thing and Expecting Different Results: President Obama’s FY2012 budget pours more into policing and prisons and shortchanges prevention, and will do little to improve community safety or reduce over-incarceration

With a trillion-dollar-plus deficit projected in the 2012 budget, it is critical that every dollar spent is put into effective programs that strengthen the nation. Unfortunately, the President’s proposed FY2012 budget will do little to reduce the burden of incarceration on our country or improve community safety in a lasting and meaningful way. The Department of Justice (DOJ) budget request is \$28.2 billion,¹ and includes \$600 million to hire police officers through the Community Oriented Policing Services (COPS) while reducing the amount of money spent on juvenile justice programming that was dedicated to helping youth involved in the justice system. In addition, the federal prison system is requesting an 11 percent increase over FY2010 funding.

	Actual implemented budget (Millions)					Proposed
	FY07	FY08	FY09	FY10	ARRA	FY12
Highlights from President Obama’s 2012 Budget, Department of Justice						
Byrne/JAG	\$520	\$170	\$512	\$510	\$2,225	\$487
COPS	\$542	\$587	\$551	\$298	\$1,000	\$600
Juvenile Justice Programs	\$343	\$384	\$374	\$419	\$97.5	\$280
Title II State Formula Grants	\$79.2	\$74.3	\$75	\$74		\$0
Title V Local Delinquency Prevention	\$64.4	\$61.1	\$62	\$64		\$62
Justice Accountability Block Grants (JABG)	\$49.5	\$51.7	\$55	\$53		\$0
Juvenile Justice System Incentive Grants	--	--	--	--		\$120
Second Chance Act	--	--	\$25	\$100		\$100
Federal Prison System		\$5,700	\$6,200	\$6,077		\$6,760

Source: The President’s Budget for Fiscal Year 2012, www.whitehouse.gov/omb/budget. ARRA amount listed for juvenile justice does not include funds for child victimization programs.

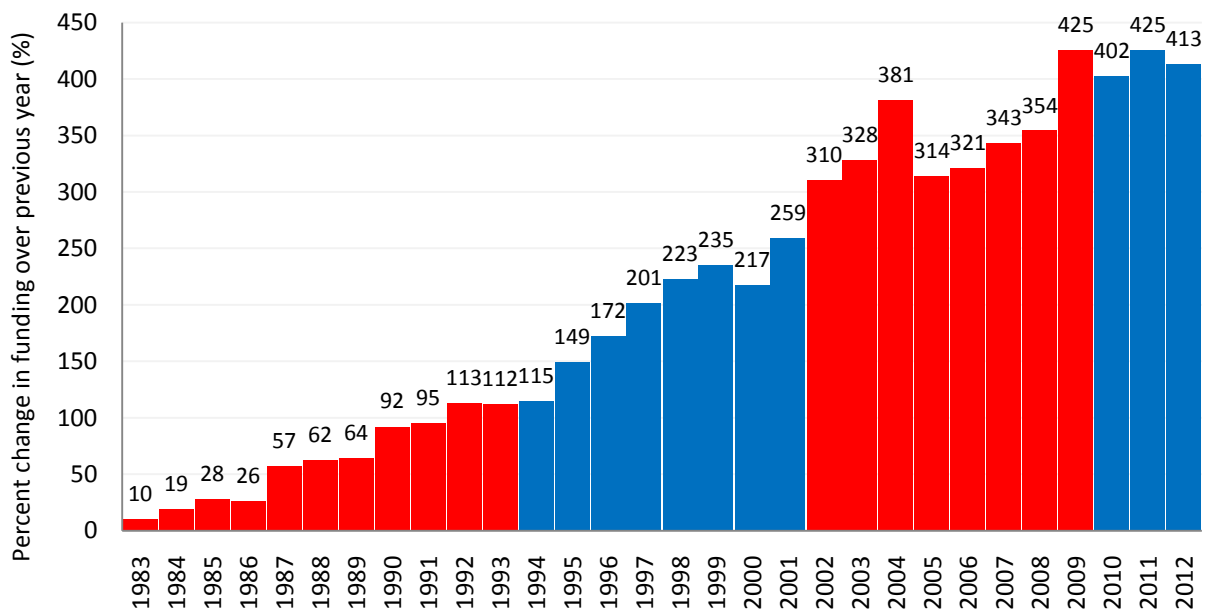
¹ Department of Justice, Budget Highlights, FY 2012. www.whitehouse.gov/sites/default/files/omb/budget/fy2012/assets/justice.pdf

This continued funding pattern will likely result in increased costs to states for incarceration that will outweigh the increased federal revenue for local law enforcement, with marginal public safety benefits. While “re-entry” programs such as those funded through the Second Chance Act will help reduce recidivism, too little funding is targeted towards “no-entry”: programs that keep people from ending up in prison in the first place. As states struggle with tough economic times and burgeoning prison populations, research shows that the most cost-effective ways to increase public safety, reduce prison populations, and save money are to invest in proven community-based programs that positively impact youth.

Spending isn't all political

The Washington Post analyzed the last 30 years of presidents' budgets and found that Administration of Justice budgets were one of the fastest growing during this time period.² President Obama's FY2012 budget is 413 percent higher than President Reagan's budget in FY1981 (inflation adjusted). However, the chart below illustrates that this spending is not based on political party alone—spending continues to increase regardless of the current president's political party.

The federal justice budget has been increasing exponentially over the past 30 years, regardless of political party in power.



Source: *From Reagan to Obama: 30 years of spending priorities*, The Washington Post, February 15, 2011.
www.washingtonpost.com/wp-srv/special/politics/30-years-spending-priorities-federal-budget-2012/
 *Percent change charts based on inflation-adjusted dollars.

² *From Reagan to Obama: 30 years of spending priorities*, The Washington Post, February 15, 2011.
www.washingtonpost.com/wp-srv/special/politics/30-years-spending-priorities-federal-budget-2012/

Byrne Grants

Byrne Grants are set to receive over \$500 million in federal funds in FY2012 to fund law enforcement activities, including many that are shown to increase prison populations. 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.³

- **Likely result:** Research shows that localities that spend more on law enforcement have higher incarceration and drug imprisonment rates than localities that spend less.⁴ 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 2002.⁵ Focusing resources on the 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 \$669 million in FY2012, including \$600 million in hiring and retention grants for an additional 4,500 police officers.⁶ 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.”⁷

*“Reductions in crime may have as much to do with demographic changes and the strength of the economy as with the efforts of a federal crime-prevention program.”—
Congressional Budget Office*

³ 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

⁴ 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)

⁵ Substance Abuse and Mental Health Services Administration, Office of Applied Studies (2008). *Results from the 2007 National Survey on Drug Use and Health: National Findings* (NSDUH Series H-34, DHHS Publication No. SMA 08-4343). Rockville, MD.

⁶ Department of Justice, Budget Highlights, FY 2012.

www.whitehouse.gov/sites/default/files/omb/budget/fy2012/assets/justice.pdf

⁷ 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

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 economic recovers.”⁸ Although a variety of factors affect crime rates, evidence indicates that a recovering economy and increased employment is not likely to increase crime.⁹

- **Likely result:** In the 1990s, COPS grants caused the prison population to grow by 45 percent over 7 years and state corrections spending by 76 percent.¹⁰ Re-invigorating this program is likely to further increase the prison population, without a significant drop in crime.

Juvenile Justice Programs

Juvenile Justice Programs received \$546.9 million in FY2002. Funding has been dropping almost consistently since then, and these programs lost another \$50 million in the proposed FY2012 budget, down to \$280 million.¹¹ 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 have been eliminated. Justice Accountability Block Grants are also eliminated after being funded at \$53 million in FY2010. In place of these two programs, the President proposed a competitive Juvenile Justice System Incentive Grants program funded at \$120 million that would only be available to states that are in compliance with the Juvenile Justice and Delinquency Prevention Act (JJDP).

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, lost \$2 million in FY2012. 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.¹²

- **Likely result:** Nearly 100,000 youth are currently locked up in juvenile detention and correctional facilities across the country.¹³ 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

⁸ Office of Budget Management, “The Federal Budget, Fiscal Year 2011: Department of Justice,” February 3, 2011. www.whitehouse.gov/omb/factsheet_department_justice/?print=1

⁹ 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

¹⁰ U.S. Department of Justice, Bureau of Justice Statistics, *Corrections Populations at a Glance*, <http://bjs.ojp.usdoj.gov/content/glance/corr2.cfm>; National Association of State Budget Officers, State Expenditure Reports, www.nasbo.org

¹¹ Department of Justice, Budget Highlights, FY 2012. www.whitehouse.gov/sites/default/files/omb/budget/fy2012/assets/justice.pdf

¹² 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

¹³ Melissa Sickmund, T.J. Sladkyand, and Wei Kang, *Census of Juveniles in Residential Placement Databook* (Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention, 2008) www.ojjdp.ncjrs.gov/ojstatbb/cjrp/

funding for states to come into compliance with the core protections of the JJDPa can result in more youth being held in juvenile facilities and poorer conditions while they are incarcerated and when they get out.

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.¹⁴ These high recidivism rates call for intervention to ensure the safe and constructive return of individuals into the community and to improve public safety. The FY2012 budget repeats the \$100 million in funds allocated in 2010 to implement the Second Chance Act. If well-invested in evidence-based programs, the continued investments in re-entry should go a long way to improving the outcomes of people leaving prisons.

- **Likely result:** 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 prison populations and saving money in the long run.

Prisons and Detention

The text accompanying the President's budget mentions the need to reduce rates of incarceration. However, this sentiment is not borne out by the numbers. The Bureau of Prisons currently confines approximately 219,075 people.¹⁵ With an additional \$116 million over FY2010's budget for buildings and facilities, the federal government plans on constructing new prisons, including one in Alabama,¹⁶ increasing the number of prison beds and the potential for more people in prison. The DOJ considers "successful law enforcement policies" as those that increase the number of people arrested and imprisoned. Unfortunately, with this as the measure of success, rather than increases to public safety, the Administration is shortchanging the public in regard to public safety at a very high cost.

- **Likely result:** 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.¹⁷ In addition, this infusion of funds 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.

¹⁴ 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>

¹⁵ The Budget for Fiscal Year 2012, page 731.

¹⁶ Department of Justice, Budget Highlights, FY 2012.

www.whitehouse.gov/sites/default/files/omb/budget/fy2012/assets/justice.pdf

¹⁷ Justice Policy Institute, *Factsheet: Percent Change in Incarceration and Crime Rates, 1998-2007* (Washington, D.C.: JPI, 2008) www.justicepolicy.org/images/upload/07-02_FAC_StatebyStateIncarceration_AC-PS.pdf

Problem Solving Courts

The president's FY2012 budget combines previous funds that were separately allocated to drug courts and other specialty courts like mental health courts, with a lump sum of \$57 million for these programs. In FY10 drug courts received \$46 million in federal funding for grants, training, and technical assistance to help state, local and tribal grantees develop their specialty courts. Drug courts are shown to reduce recidivism for people who successfully complete drug courts and are more cost-effective than prison. However, they are not necessarily the most effective or cost-effective method of working with people with a substance abuse problem who comes into contact with the law, do nothing to improve access to community treatment to keep people from coming into contact with the justice system, and has been shown to even be counterproductive.¹⁸

- **Likely result:** Evidence from some localities shows a net-widening effect of drug courts on communities. In other words, once drug courts are implemented in a community, more people are arrested and incarcerated than previously. Drug courts are resource intensive and may be taking away treatment resources from more effective programs that work to keep people from coming into contact with the criminal justice system in the first place. Increased funding for drug and other specialty courts could contribute to growing prison and jail populations, as well as increasing the number of people under control of the criminal justice system.

Recommendations to Congress and the Administration

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. See table below for information on the extent to which the budget makes investments in these areas.

¹⁸ National Association of Criminal Defense Lawyers, *America's Problem Solving Courts: The Criminal Costs of Treatment and the Case for Reform* (Washington, D.C.: NACDL, 2010) www.nacdl.org/drugcourts

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

Highlights from President Obama’s Budget, Other Departments (millions)	FY10	FY12
SAMHSA	\$3,431	\$3,387
Mental Health Block Grants	\$421	\$435
Children’s Mental Health Services	\$121	\$121
Substance Abuse Block Grants	\$1,455	\$1,494
Innovation & Emerging Issues	\$812	\$747
Administration for Children and Families (ACF)	\$17,334	\$16,180
Education (discretionary funds)	\$64,132	\$77,397
ESEA	\$24,903	\$26,800
IDEA	\$12,579	\$12,818
Housing & Urban Development	\$45,088	\$47,199
Homeless Assistance	\$1,865	\$2,372
Public & Indian Housing	\$26,380	\$26,747

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