

## BEHIND THE TIMES:

President Obama's FY2013 budget focuses on prison and policing when prison populations have fallen for the first time in 40 years.

February 2012

### INTRODUCTION

With across-the-board spending cuts planned and yet another deficit anticipated in the 2013, it is critical that the federal government spend money on effective initiatives that will support both short and long-term cost savings and positive outcomes for society.

Yet, despite a national decrease in the number of people in prison for the first time since 1972,<sup>1</sup> the President's budget supports the continued incarceration of people at the federal level and spending on policing. Such spending priorities are counter to current trends and undermine the efforts of states and localities to reduce the burden of incarceration or improve public safety in a lasting and meaningful way. The Department of Justice (DOJ) budget request is \$27.1 billion,<sup>2</sup> and includes nearly \$7 billion to activate or open

new prisons and more than \$4 billion for policing while again reducing the amount of money spent on juvenile justice programming that was dedicated to helping youth involved in the justice system.

Included in the nearly \$7 billion proposed for the federal prison system, is \$1 billion for private contract confinement. There is also an additional \$4 billion in "stimulus" funds dedicated to hiring police officers in addition to a separate request for \$257 million for the COPS program. At a time when states are cutting prison populations, this spending pattern will likely add to incarceration costs, which will outweigh any increased federal revenue for local law enforcement with marginal public safety benefits. Meanwhile, funding for juvenile justice programs and initiatives that keep youth from becoming

	Actual implemented budget (Millions)					Estimated	Proposed
	FY08	FY09	FY10	ARRA	FY11	FY12	FY13
Byrne/JAG	\$170	\$512	\$510	\$2,225	\$406	\$470	\$438
COPS	\$587	\$551	\$298	\$1,000	\$349	\$199	\$4,257
Juvenile Justice Programs	\$384	\$374	\$419	\$97.5		\$263	\$245
Title II State Formula Grants	\$74.3	\$75	\$74			\$40	\$70
Title V Local Delinquency Prevention	\$61.1	\$62	\$64			\$20	\$40
Justice Accountability Block Grants (JABG)	\$51.7	\$55	\$53			\$30	\$30
Competitive Demonstration Projects							\$20
Juvenile Justice System Incentive Grants	--	--	--			\$120	\$0
Second Chance Act/Other	--	\$25	\$100		--	\$63	\$80
Federal Prison System	\$5,700	\$6,200	\$6,077		\$6,310	\$6,551	\$6,865

Source: The President's Budget for Fiscal Year 2013, [www.whitehouse.gov/omb/budget](http://www.whitehouse.gov/omb/budget). ARRA amount listed for juvenile justice does not include funds for child victimization programs. Proposed columns include only funds proposed by the President. COPS funds include \$4 Billion in COPS Stabilization Funds.

involved in the justice system are experiencing another round of cuts.

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. States already appear to be using this information.

## BYRNE GRANTS

The Administration has requested \$438 million for Byrne Grants 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.<sup>3</sup>

### Likely Result of Continued Funding for Byrne/JAG

Research shows that localities that spend more on law enforcement have higher incarceration and drug imprisonment rates than localities that spend less.<sup>4</sup> 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.<sup>5</sup> 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

As part of the President’s continued efforts to stimulate growth in jobs, COPS Grants would receive more than \$4.26 billion in FY2013, including \$261 million in hiring and retention grants and \$4 billion in immediate assistance for retention, rehiring, and hiring of police officers in 2012.<sup>6</sup> This is a 20-fold increase in the money budgeted for COPS in FY2012.

According to the United States Government Accountability Office, “Factors other than COPS funds accounted for the majority of the decline in crime during [the mid-1990s through 2000]. 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.”<sup>7</sup> Despite assertions from the executive office to the contrary and although a variety of factors affect crime rates, evidence indicates that a recovering economy and increased employment is not likely to increase crime.<sup>8</sup>

In addition, the budget proposes that preference be given to jurisdictions that hire post-September 2011 veterans for new law enforcement positions. While it is important that veterans have access and opportunities for employment, such jobs could be generated in a variety of other sectors that give veterans more freedom and opportunity to pursue their own professional goals, do not require a person to potentially relive past trauma related to combat or contribute to the number of people in prison.

### Likely Result of Increased Funding for COPS

In the 1990s, COPS grants correlated with a 45 percent increase in the number of people in prison over 7 years and an increase in state corrections spending by 76 percent.<sup>9</sup>

### 3 BEHIND THE TIMES

Continued funding of this program is likely to undermine the efforts of states to reduce prison populations at a time when crime is already at a 30-year low.

## JUVENILE JUSTICE PROGRAMS

Funding for Juvenile Justice Programs has been dropping steadily since FY2002, when it received \$546.9 million. In FY2013, Juvenile Justice Programs are poised to lose another \$18 million to \$245 from the 2012 budget Congress passed late in that year.<sup>10</sup> Although there is a general decrease in funds, Title II funds and Justice Accountability Block Grants have returned to the budget and there is a new line for demonstration projects. Title II juvenile justice and delinquency prevention grants that support efforts to develop and implement comprehensive state juvenile justice plans are set to receive \$70 million. Justice Accountability Block Grants are proposed to receive \$30 million.

Title V, which provides resources to local governments 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, would lose \$22 million compared to last year's presidential budget, but a new line for demonstration projects would gain \$20 million. 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.<sup>11</sup>

## Likely Result of Less Funding for Juvenile Justice

Approximately 70,000 youth are locked up in juvenile detention and correctional facilities across the country.<sup>12</sup> 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 JJDPa can result in more youth being held in juvenile facilities and poorer conditions while they are incarcerated and when they get out.

## FEDERAL PRISON SYSTEM

In past years, the President has talked about reducing the rates of incarceration. Now that states have begun to do that, the President's budget seems to be at odds with that trend.

The Bureau of Prisons has an average daily population of approximately 226,000 people.<sup>13</sup> With an additional \$314 million over the FY2012 budget, the Administration proposes activating facilities in Mississippi and West Virginia.<sup>14</sup> Per their public materials and performance measures for grants, 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.

Between 2009 and 2011, state corrections spending decreased 3.4 percent while federal prison spending went up 1.7 percent.

Sources: National Association of State Budget Officers, *State Expenditure Report* (Washington, DC, National Association of State Budget Officers, 2011); The President's Budget for Fiscal Year 2013, [www.whitehouse.gov/omb/budget](http://www.whitehouse.gov/omb/budget).

The budget also includes \$1 billion to acquire 1,000 private contract beds. As JPI's recent 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.<sup>15</sup> 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 giving \$76,000 in this election cycle to federal campaigns through PACs and individual contributions.<sup>16</sup>

### Likely Result of More Funding for Federal Prisons

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.<sup>17</sup> 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.

## 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.<sup>18</sup> 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.

## ABOUT THE JUSTICE POLICY INSTITUTE

Justice Policy Institute is a national 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, visit [www.justicepolicy.org](http://www.justicepolicy.org).

<sup>1</sup> Paul Guerino, Paige M. Harrison, and William J. Sabol, *Prisoners in 2010* (Washington, DC: Bureau of Justice Statistics, 2011). [www.bjs.gov/content/pub/pdf/p10.pdf](http://www.bjs.gov/content/pub/pdf/p10.pdf)

<sup>2</sup> Department of Justice, *Budget Highlights, FY 2013*.

[www.whitehouse.gov/sites/default/files/omb/budget/fy2013/assets/justice.pdf](http://www.whitehouse.gov/sites/default/files/omb/budget/fy2013/assets/justice.pdf)

<sup>3</sup> 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/RestoreJAGFundin g-4pgs.pdf](http://www.ncja.org/Content/NavigationMenu/GovernmentAffairs/Appropriations/JAGCutsResources/RestoreJAGFundin g-4pgs.pdf)

<sup>4</sup> 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)

<sup>5</sup> 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.

<sup>6</sup> Department of Justice, Budget Highlights, FY 2013.

[www.whitehouse.gov/sites/default/files/omb/budget/fy2013/assets/justice.pdf](http://www.whitehouse.gov/sites/default/files/omb/budget/fy2013/assets/justice.pdf)

<sup>7</sup> 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](http://www.gao.gov/highlights/d06104high.pdf)

<sup>8</sup> 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](http://www.vera.org/content/reconsidering-incarceration-new-directions-reducing-crime)

<sup>9</sup> 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](http://www.nasbo.org)

<sup>10</sup> Department of Justice, Budget Highlights, FY 2013.

[www.whitehouse.gov/sites/default/files/omb/budget/fy2013/assets/justice.pdf](http://www.whitehouse.gov/sites/default/files/omb/budget/fy2013/assets/justice.pdf)

<sup>11</sup> 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](http://www.wsipp.wa.gov/rptfiles/07-06-1201.pdf)

<sup>12</sup> Melissa Sickmund and others, *Census of Juveniles in Residential Placement Databook* (Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention, 2010) [www.ojjdp.ncjrs.gov/ojstatbb/cjrp/](http://www.ojjdp.ncjrs.gov/ojstatbb/cjrp/)

<sup>13</sup> The Budget for Fiscal Year 2012, page 793.

<sup>14</sup> Department of Justice, Budget, FY 2013. <http://www.gpo.gov/fdsys/pkg/BUDGET-2013-APP/pdf/BUDGET-2013-APP.pdf>

<sup>15</sup> Paul Ashton, *Gaming the System: How the Political Strategies of Private Prison Companies Promote Ineffective Incarceration Policies* (Washington, D.C.: Justice Policy Institute, 2011), <http://www.justicepolicy.org/research/2614>

<sup>16</sup> Center for Responsive Politics online database, [www.opensecrets.org](http://www.opensecrets.org)

<sup>17</sup> 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](http://www.justicepolicy.org/images/upload/07-02_FAC_StatebyStateIncarceration_AC-PS.pdf)

<sup>18</sup> 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](http://www.kcl.ac.uk/depsta/law/research/icps/worldbrief/wpb_stats.php?area=all&category=wb_poprate)