

**More of the Same: President Obama’s budget has too little invested in long term solutions, and is likely to contribute to rising incarceration rates**

**Summary:**

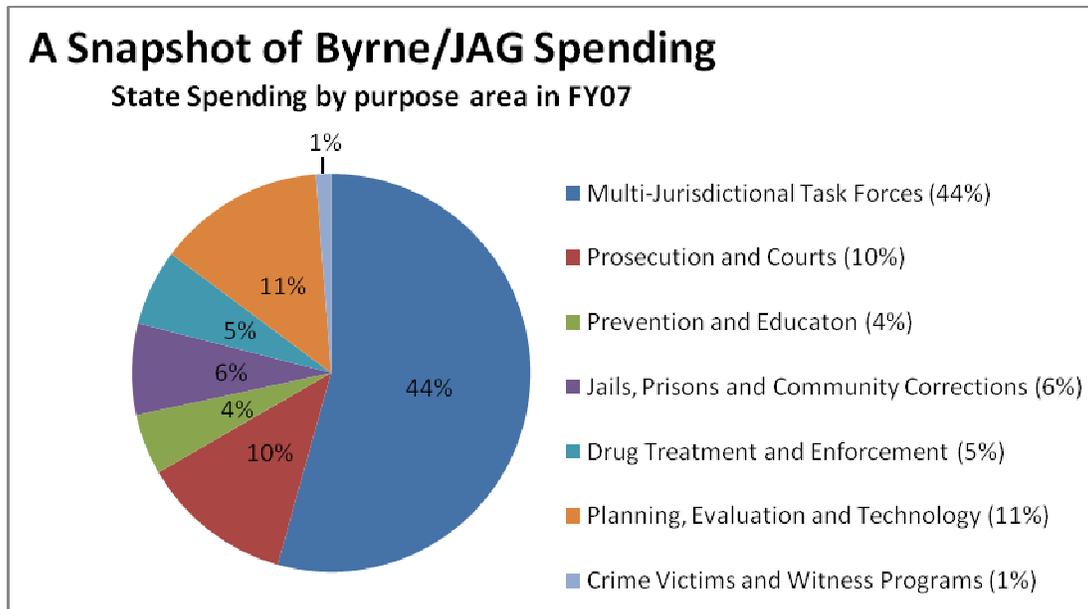
The President’s proposed FY2010 Department of Justice (DOJ) budget asks for \$26.7 billion. The budget reduces spending on juvenile justice programs, while increasing budgets for law enforcement, including Byrne Justice Assistance Grants (Byrne Grants) and Community Oriented Policing Services (COPS) grants. The budget also increases spending on prisons, including 1,000 new contract beds (private prison providers) and two new federal prisons.

This funding pattern will likely result in increased costs to states for incarceration that will outweigh the increased revenue for law enforcement, with marginal public safety benefits. While “re-entry” programs such as 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 community-based programs and policies that positively impact youth.

Highlights from President Obama’s Budget, Department of Justice	FY07	FY08	FY09	FY10 proposed
Byrne/JAG	\$520 million	\$170 million	\$512 million	\$512 million
COPS	\$542 million	\$587 million	\$551 million	\$761 million
Juvenile Justice Programs	\$343 million	\$384 million	\$374 million	\$317 million
Title II State Formula Grants	\$79.2 million	\$74.3 million	\$75 million	\$75 million
Title V Local Delinquency Prevention	\$64.4 million	\$61.1 million	\$62 million	\$62 million
Justice Accountability Block Grants (JABG)	\$49.5 million	\$51.7 million	\$55 million	\$55 million
Second Chance Act	--	--	\$25 million	\$100 million
Prisons and Detention		\$5.7 billion	\$6.2 billion	6.1 billion

## Byrne Grants

Byrne grants are set to receive over \$500 million in federal funds in FY10 to fund law enforcement activities, including many that are likely 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, 77 percent of Byrne grants go directly to law enforcement agencies, and 44 percent of funding goes to multi-jurisdictional task forces, which focus on combating gangs and drug trafficking.<sup>1</sup> Just 4 percent of these grants go to prevention and education.



Source: National Criminal Justice Association.

- **Likely result:** Research shows that localities that spend more on law enforcement have higher drug imprisonment rates than localities that spend less.<sup>2</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 stable since 2002.<sup>3</sup> Relying 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 the number of people in prison or jail, leading to increased federal, state, and local incarceration costs.

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<sup>1</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/RestoreJAGFunding-4pgs.pdf](http://www.ncja.org/Content/NavigationMenu/GovernmentAffairs/Appropriations/JAGCutsResources/RestoreJAGFunding-4pgs.pdf)

<sup>2</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>3</sup> 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: SAMHSA, 2008).

*“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<sup>4</sup>*

## **COPS Grants**

COPS Grants are set to receive \$761 million dollars, including \$298 million in hiring grants, which in combination with the American Recovery and Reinvestment Act will result in the hiring of nearly 7,000 police officers. 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.”<sup>5</sup>

- **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.<sup>6</sup> 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 FY 2002. Funding has been dropping almost consistently since then, and these programs lost another \$57 million in the proposed FY2010 budget, down to \$297 million. Title II juvenile justice and delinquency prevention grants that support efforts to develop and implement comprehensive state juvenile justice plans are down 63 percent to \$75 million compared to 2008. While Title V continues to be funded at \$62 million, \$60 million of this amount is earmarked for specific programs, which takes away from the core purpose of Title V: to provide 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. 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>7</sup>

- **Likely result:** There are nearly 100,000 youth currently locked up in juvenile detention and correctional facilities across the country.<sup>8</sup> Reducing the amount of money spent on prevention may result in an increase in this number, reduced public safety, and negative life outcomes for youth, who could be better served through positive opportunities for growth.

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<sup>4</sup> Congressional Budget Office, *Budget Options*, Appendix A (February 2001) [www.cbo.gov](http://www.cbo.gov)

<sup>5</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>6</sup> U.S. Department of Justice, Bureau of Justice Statistics, *Corrections Populations at a Glance*, <http://ojp.usdoj.gov/bjs/glance/tables/corr2tab.htm>; National Association of State Budget Officers, *State Expenditure Reports*, [www.nasbo.org](http://www.nasbo.org)

<sup>7</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>8</sup> 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/](http://www.ojjdp.ncjrs.gov/ojstatbb/cjrp/)

## 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.<sup>9</sup> These recidivism rates call for intervention to ensure the safe and constructive return of individuals into the community and to improve public safety. The FY2010 budget includes \$100 million in funds to implement the Second Chance Act of 2007 through OJP and \$13.8 million through the Bureau of Prisons through the Inmate Skills Development Program. If these resources are invested in evidence-based programs that have been shown to reduce recidivism, the \$88.8 million increase over last year's appropriations 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 Bureau of Prisons currently operates 114 federal prisons and contracts for low security prison beds, confining approximately 205,000 people in FY09. With over \$386 million in enhancements over last year's budget, the BOP plans to build two new prisons, with a total of around 4,800 beds, and spend \$27 million to procure 1,000 additional contract beds. The United States is already spending nearly \$800 million on contract beds, including private prison beds and space in local jails and prisons. 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 regards 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 likely lead to higher prison populations and expenses, without significantly improving public safety.<sup>10</sup>

## Recommendations to Congress and the Administration

There are currently more than 2.3 million people incarcerated in U.S. prisons and jails, the highest per capita rate in the world.<sup>11</sup> Attempting to improve public safety through increased law enforcement and correctional spending is a failed approach.

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<sup>9</sup> Patrick A. Langan and David J. Levin, *Recidivism of Prisoners Released in 1994* (Washington, D.C.: Bureau of Justice Statistics, 2002) [www.ojp.gov/bjs/pub/pdf/rpr94.pdf](http://www.ojp.gov/bjs/pub/pdf/rpr94.pdf)

<sup>10</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>11</sup> *World Prison Brief*, International Centre for Prison Studies, Kings College, 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)

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;
- diversion programs that keep people from entering the corrections system; and
- re-entry services for people leaving the criminal justice system.

Many of these programs can, and should, be funded outside of the Department of Justice. Putting resources toward these positive opportunities is the most effective, and cost-effective, way of increasing public safety.

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*The Justice Policy Institute is a Washington, D.C.-based think tank dedicated to ending society's reliance on incarceration and promoting effective and just solutions to social problems. For more information, visit our website at [www.justicepolicy.org](http://www.justicepolicy.org)*