



**LAW ENFORCEMENT LEADERS**  
To Reduce Crime & Incarceration

# **FIGHTING CRIME AND STRENGTHENING CRIMINAL JUSTICE:**

An Agenda for the New Administration

FOREWORD BY

RONAL SERPAS AND DAVID BROWN

## ABOUT LAW ENFORCEMENT LEADERS

Law Enforcement Leaders to Reduce Crime and Incarceration unites nearly 200 current and former police chiefs, sheriffs, federal and state prosecutors, and attorneys general from all 50 states. Our group urges changes to laws and practices that more effectively fight crime while reducing unnecessary imprisonment.

We believe that the goals of reducing crime and reducing incarceration are not only compatible, they are mutually necessary. We believe unnecessary incarceration is counter-productive, as it can create more crime, wastes taxpayer dollars, and further divides law enforcement from those we seek to protect. We aim to build a smarter and stronger criminal justice system by replacing ineffective policies with new, modern practices that reduce both crime and incarceration.

Membership in the group requires: holding a current or former position as the leader of a law enforcement agency; and signing onto the mission statement (below). Group action or endorsements do not necessarily reflect the beliefs of all individual members.

## OUR MISSION STATEMENT

As current and former leaders of the law enforcement community — police chiefs, sheriffs, district and state’s attorneys, U.S. Attorneys, attorneys general, and other leaders — protecting public safety is our foremost priority. From experience and through data-driven and innovative practices, we know the country can reduce crime while also reducing unnecessary arrests, prosecutions, and incarceration. We can also reduce recidivism and strengthen relationships with communities. With the goal of building a smarter, stronger, and fairer criminal justice system, we join together to urge a change in laws and practices to reduce incarceration while continuing to keep our country safe.

## CONTACT US

To learn more about Law Enforcement Leaders and to see a full list of members, visit our website at [www.lawenforcementleaders.org](http://www.lawenforcementleaders.org), or contact us at [info@lawenforcementleaders.org](mailto:info@lawenforcementleaders.org).

## OUR LEADERSHIP

### Co-Chairs

- **Ronal Serpas**, Ph.D., Founding Chairman, Law Enforcement Leaders; former Police Superintendent, New Orleans, Louisiana; former Police Chief, Nashville, Tennessee; former Police Chief, State Patrol, Washington.
- **David Brown**, Chairman, Law Enforcement Leaders; former Police Chief, Dallas, Texas.

### Steering Committee

- **Hassan Aden**, Executive Fellow, Police Foundation; former Police Chief, Greenville, North Carolina; former Deputy Police Chief, Alexandria, Virginia.
- **Mark Earley**, former Attorney General, Virginia; former President and CEO, Prison Fellowship; Member, Right on Crime.
- **Walter Holton**, former U.S. Attorney, Middle District of North Carolina.
- **James E. Johnson**, former Undersecretary for Enforcement, U.S. Department of Treasury; former Assistant U.S. Attorney and Deputy Chief of the Criminal Division, Southern District of New York.
- **Kathleen O'Toole**, Police Chief, Seattle, Washington; former Police Commissioner, Boston, Massachusetts.
- **Ronal Serpas**, Ph.D., former Police Superintendent, New Orleans, Louisiana; former Police Chief, Nashville, Tennessee; former Police Chief, State Patrol, Washington.
- **Cyrus Vance**, District Attorney, New York County, New York.

### Staff

- **Nicole Fortier**, Senior Coordinator.
- **Grainne Dunne**, Assistant Coordinator.

### Members

We include nearly 200 members representing all 50 states. A full membership list is available at [www.lawenforcementleaders.org/members](http://www.lawenforcementleaders.org/members).



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## Foreword

*By Ronal Serpas and David Brown*

Throughout his campaign and in his first days as President, Donald Trump pledged to reduce crime and violence. In early February, in a speech to law enforcement, he stated his intentions to enact policies to curb crime, provide treatment to those who need it, and support law enforcement. We provide this report with our preferred policies on how the President can best do this.

As law enforcement veterans, we know firsthand the importance of this work. We have dedicated our lives and careers to protecting public safety, helping cut in half the 1991 crime rate.<sup>1</sup>

It is critical that we continue to keep crime low. Police officers enter this profession because we care deeply about this country and its citizens. We take seriously our charge to uphold the law, and rigorously pursue those who violate it. And we take dangers head-on so that others can lead their lives free of fear and violence.

The President can help champion this effort. He can shape the national conversation, urge legislation, and steer federal dollars toward effective programs. While each community is best-suited to set its own crime-fighting practices, the federal government's support is critical to these efforts.

We urge the Administration and Congress to carefully consider new crime policies, and adopt and support those that fight crime effectively. Decades of experience have convinced us of a sobering reality: today's crime policies, which too often rely only on jail and prison, are simply ineffective in preserving public safety.

We need not use arrest, conviction, and prison as the default response for every broken law. For many nonviolent and first-time offenders, prison is not only unnecessary from a public safety standpoint, it also endangers our communities. Once inmates are released, they struggle to find employment, housing, and other necessities that would re-integrate them into society. Facing few legitimate opportunities, many ex-offenders return to crime. The higher the incarceration rate for such offenders, the less safe the citizenry.

We must instead consider those policies that better preserve public safety. Dangerous, violent offenders should be behind bars, but incarceration is not necessarily the best tool to put non-violent offenders back on the road to productive, law-abiding lives. For example, treatment may be preferable for those suffering from mental illness or drug addiction, instead of a perpetual cycle of catch-and-release that only diverts law enforcement resources from battling more serious threats to society.

To better combat crime, we must improve our nation's crime policies. We urge President Trump and Attorney General Jeff Sessions to join and take leadership roles in the ongoing cross-partisan efforts to reform our justice system. This report offers five policies the new Administration should support to forge a path to advance our common goal of a safer nation.

*Serpas is the former Police Superintendent of New Orleans, Louisiana, Nashville, Tennessee and the Washington State Patrol. Brown is the former Police Chief of Dallas, Texas. They are co-chairs of Law Enforcement Leaders to Reduce Crime and Incarceration.*

## I. Prioritize Resources to Combat Violent Crime

Violent crime endangers communities, tears apart families, and spreads fear. While crime and violence remains at historic lows nationally, the last year saw an uptick in murders in a few large cities, particularly Chicago.<sup>2</sup> We must act swiftly and efficiently to continue to keep crime down across the country and combat the murder increases in these cities.

President Trump has committed to reducing violence as a top priority for his Administration.<sup>3</sup> In his 100-day action plan, he has said that he would propose legislation called the Restoring Community Safety Act (“RCSA”), which would establish a task force on crime, increase funding for local police, and increase resources to target gangs. In early February, the President signed an executive order creating this “Task Force on Crime Reduction and Public Safety” at the Justice Department, and signed another order to curb gang and drug activity. The proposal and these orders, however, do not target their language and efforts on fighting violent crime — the most serious threat to our public safety. Instead, they encourage law enforcement to focus on crime more generally.<sup>4</sup>

Federal resources are imperative to combat crime across the country, but failing to direct these resources toward our most immediate and dangerous threats risks wasting taxpayer dollars.

Each year, the federal government spends billions in criminal justice grants to support overwhelmed police department and government budgets. For example, the Department of Justice offered \$5.5 billion in grants to local agencies in 2016.<sup>5</sup> These dollars fund law enforcement efforts to investigate and prosecute crimes. However, to a large degree, these outlays are not targeted at fighting violent and serious crime. In fact, some of these dollars are expended on antiquated law enforcement tools, such as dragnet enforcement of lower-level offenses. This misses an opportunity to prioritize resources towards more effective ways of fighting violent and serious crime in the states. Without such change, states will continue inefficient enforcement techniques.

At least for now, the new Administration may repeat this mistake with its proposals. For example, by purporting to reduce crime overall, the RCSA proposal and executive orders target all crime on an equal basis. We know from experience that each type of crime derives from different causes, presents distinct challenges for law enforcement, and requires nuanced responses. To combat violent crime effectively, we cannot fund all crime fighting tactics. Instead, we must target resources to protect our communities from the most serious threats.

Any new crime policy should be targeted to protect communities from their gravest threats, such as murders and shootings. In July, the nation’s largest law enforcement

groups — the Major Cities Chiefs Association, National District Attorneys Association, Association of Prosecuting Attorneys, Police Foundation, and Law Enforcement Leaders — signed a joint letter to President Trump asking that federal grants focus on violent crimes.<sup>6</sup> We urge the President and Congress to implement policies that would direct current or new federal grants to support law enforcement efforts to eradicate violent and serious crime, with priority given to cities facing increased violence, high victimization, or public corruption.

Federal law enforcement and prosecution should also use resources to better target violent crime. Currently, only 2 percent of federal arrests and 3 percent of prosecutions target violent offenders.<sup>7</sup> Merely 7 percent of federal prisoners are convicted of violent crimes. In comparison half are behind bars for drug offenses.<sup>8</sup> In 2016, Congress approved a budget of \$7.5 billion in taxpayer dollars to maintain this prison population — only a fraction of which isolates truly dangerous threats.<sup>9</sup>

The President should direct these federal agencies to better allocate manpower and resources to fighting violent and serious crime. Specifically, the Attorney General should direct law enforcement agencies and the Justice Department’s 93 U.S. Attorneys’ offices to prioritize their resources toward investigating, arresting, and prosecuting violent and serious offenders.

Focusing our priorities and resources on the most dangerous threats to our communities will make our nation safer for all. Our officers will execute more probative investigations and our prosecutors will build stronger cases against the most dangerous individuals. In this way, we will maximize the impact of limited federal resources on what we know works best to protect the safety of the country.

## II. Support Reducing Unnecessary Incarceration and Federal Sentencing Reform

Law enforcement is eager to find ways to allow police and prosecutors to effectively reduce crime, protect communities, and ensure justice. Bloated prison populations harm more than they protect. Sentencing laws too often require excessively lengthy punishments for many crimes. As a result, our jails and prisons hold 2.2 million inmates. Another 4.7 million are on probation or parole.<sup>10</sup> The country spends \$274 billion per year on its criminal justice systems, without ensuring the required public safety gains.<sup>11</sup>

Successful state level reforms have shown the country can simultaneously reduce incarceration and crime. Michigan eliminated mandatory sentencing for most nonviolent drug offenses in 2002. Over the next decade, the state decreased its prison population by 14 percent while seeing a 16 percent decrease in the violent crime rate.<sup>12</sup> In 2010, South Carolina ended mandatory minimum sentencing for drug possession and enacted other reforms, and in the next four years saw a 9 percent decrease in the prison population and a 17 percent decrease in violent crime.<sup>13</sup> In fact, over the last decade, 27 states have reduced crime and incarceration together.<sup>14</sup>

Last year, a bipartisan group of senators championed federal reform modeled on these state successes. The Sentencing Reform and Corrections Act of 2015 (“SRCA”) would recalibrate sentencing policy by reducing mandatory minimums for nonviolent offenders and granting judges greater discretion when sentencing low-level offenders.<sup>15</sup> While receiving support from both sides of the aisle, the SRCA stalled following opposition from a handful of vocal republican senators, including then-Senator Jeff Sessions (R-AL), who cited his concerns about the bill’s possible impact on public safety.

Last month, Republican leaders in Congress vowed to reintroduce the SRCA this year. Over the last decade, reducing unnecessary incarceration has become a central focus of the conservative policy agenda. Vice President Mike Pence, House Speaker Paul Ryan (R-WI), former Attorneys General Edwin Meese and Michael Mukasey, and the Republican National Committee have all vocally supported criminal justice reform.<sup>16</sup> This policy stance is driven by a coalescing of conservative values that give this bill wide support including limiting government spending, preserving individual liberty, curbing governmental overreach, more effectively reducing crime, and offering the opportunity for redemption.

Law enforcement similarly supports sentencing reform. Reducing unnecessary incarceration will free funding and time for our officers to focus on targeting and preventing violent crime, making our streets safer. National law enforcement groups

including the Major Cities Chiefs Association, Major County Sheriffs' Association, National District Attorneys Association, International Association of Chiefs of Police, and Law Enforcement Leaders have all strongly endorsed the bill, explaining its public safety benefits.<sup>17</sup>

While Attorney General Sessions previously opposed the SRCA, he may have a different perspective if he is confirmed as the head of the Justice Department. More than 25 percent of the Department's budget is consumed by funding federal prisons.<sup>18</sup> The more dollars these prisons require, the less available to allocate to federal law enforcement in our fight to secure public safety. This makes it harder for law enforcement to do our jobs. The Sentencing Reform and Corrections Act would help reverse this trend, resulting in an estimated savings of \$722 million from the federal prison budget in the next ten years.<sup>19</sup>

We urge President Trump to join the bipartisan effort to reduce unnecessary incarceration by making it a priority for his Administration and the country. He should publicly commit to efforts to reduce the national prison population in his first State of the Union address. Clear and early commitment from the President encourages other lawmakers and officials nationwide to advance the cause.

As Attorney General, Sessions should also support the Sentencing Reform and Corrections Act or other bipartisan legislation to reduce sentences for nonviolent crimes. We also urge Attorney General Sessions and President Trump to meet with the major law enforcement groups supporting this bill to hear our perspective on why we, on the ground, believe it will help reduce crime.

By taking this step, the Administration can demonstrate its commitment to a more effective and efficient criminal justice system.

### III. Increase Mental Health and Drug Treatment

**D**rug addiction wreaks havoc across the nation, from large cities to the rural countryside. In 2015, 52,000 people died from drug overdoses; 33,000 involving opioids.<sup>20</sup> Meanwhile, the mental health system is chronically under-resourced and unable to meet the demand for treatment and services. Last year, 57 percent of adults with a mental illness did not receive adequate treatment.<sup>21</sup>

Many of these individuals end up in the criminal justice system, turning jails and prisons into substitute health facilities. Today, there are ten times as many people with serious mental illnesses in prisons as in hospitals.<sup>22</sup> Over half (1.3 million) of inmates have mental health disorders, and 65 percent (1.5 million) suffer from drug addiction.<sup>23</sup>

Too often, these prisoners are back behind bars soon after release. More than half — 52 percent — of substance-involved inmates are repeat offenders.<sup>24</sup> One quarter of state inmates with mental illness have been previously incarcerated three or more times.<sup>25</sup>

Law enforcement officers are not mental health or addiction professionals. We have neither the training nor resources to provide mental health services. Yet, we are often the first responders to someone in the midst of a mental health or addiction crisis, and police have little alternative other than making an arrest. And after the arrest, these offenders are incarcerated, rather than treated.

Jails and prisons cannot properly treat the mentally ill or addicted. Few who need treatment receive it while incarcerated — only 27 percent of those with a mental illness, and only 11 percent of those suffering from addiction.<sup>26</sup> As a result, when these people are released they are, at best, no better off than when they went in — and often worse. They are practically destined to commit more crimes and cycle into prison.<sup>27</sup>

Individuals with mental illness cost taxpayers significantly more to incarcerate than other inmates for a variety of reasons, including a higher likelihood of violating prison rules, high medical examination costs, and increased staffing needs.<sup>28</sup> One Florida study found that inmates with mental illness cost 1.5 times more to incarcerate than other inmates, while in Texas these prisoners cost an additional \$8,000 to \$28,000 annually.<sup>29</sup> Comparatively, the per-person annual cost of community-based mental health treatment is less than one-third the cost of providing adequate care in prison.<sup>30</sup> Similarly, providing addiction treatment outside of prisons and jails is more cost effective. Outpatient substance abuse programs can save up to 12 times their cost and reduce criminal activity by up to 80 percent.<sup>31</sup>

Several police departments have created programs to divert people with drug and mental health issues out of the criminal justice system and into the treatment they need. In 2011, Seattle instituted the Law Enforcement Assisted Diversion (“LEAD”) program, which encourages officers to bring low-level drug arrestees to treatment rather than booking. LEAD participants are 58 percent less likely to be rearrested compared to those arrested and booked.<sup>32</sup> Similarly, Miami-Dade County provides training for police officers to better prepare them to help people experiencing serious mental health issues. The average daily jail population decreased 38 percent as a result.<sup>33</sup>

Many conservatives have championed treatment instead of punishment for the mentally ill or addicted.<sup>34</sup> In the early 2000s, Texas Governor Rick Perry expanded access to alternative sanctions for nonviolent addicts.<sup>35</sup> Recently, Governor Mary Fallin directed the Oklahoma Justice Reform Task Force to recommend comprehensive policies that more effectively treat drug and alcohol addiction and mental illness while improving public safety.<sup>36</sup> Isolated progress is not enough. The cycle of arrest and incarceration continues with these offenders.

We urge President Trump to support specific policies to help curb this crisis. We ask him to direct federal departments, such as the Justice Department and the Substance Abuse and Mental Health Services Administration, to prioritize grant awards to state and city agencies that divert nonviolent individuals with mental illness and addiction toward treatment and away from the criminal justice system pre-booking. Grants should support developing and maintaining local treatment programs, training police officers to identify and handle those with mental illness or addiction issues, and diversion programs such as LEAD. This can be done within the limits of executive discretion when administering competitive grants, which allows agencies to determine which applicants are most worthy of funding.

These changes will help systematically address the key underlying causes of crime, prevent future crime, and remove an undue burden on police while helping us focus on apprehending the most serious and violent criminals.

## IV. Bolster Community Policing

Tension between communities and police has risen in the last three years. The result has been something of a false debate; one in which civilians and politicians are expected to choose between supporting law enforcement or their neighbors. The reality is that police and communities must work together. We are not on opposite sides of the fence. There must be penalties for misconduct, whether that misconduct is committed by the police or the community. A mistrustful community puts police officers at risk. Without cooperation between law enforcement and the community, enhancing public safety is next to impossible.

Community policing, properly applied, can diminish this tension while also reducing crime. Begun approximately 50 years ago, community policing is used by many departments to varying degrees. Its central feature remains collaboration between the police and the community.<sup>37</sup> Dallas adopted community policing in 1993. In the nearly quarter-century since, both violent and property crime rates have plunged to greater degree than nationally.<sup>38</sup> Atlanta adopted community policing in 2010, and, according to an annual survey, only two years later residents felt better protected by police than at any other time in the previous decade.<sup>39</sup>

Effective community policing needs adequate funding. Dedicated resources are critical to ensure that community policing efforts are robust and that community partnerships are sustained. Unfortunately, in an era of tight budgets, these and other critical law enforcement programs are being cut. A 2011 Department of Justice survey, the most recent such survey, found 39 percent of participating police departments were cutting back on community policing.<sup>40</sup>

The Justice Department's Office of Community Oriented Policing Services ("COPS Office") advances community policing by providing grants to state and local law enforcement and acting as an information clearinghouse.<sup>41</sup> This funding was used in part to hire and train new officers, contributing to the drastic crime decline over the last two decades.<sup>42</sup> From 1995 to 2002, Congress allocated the COPS Office about \$1 billion annually. That allocation has now declined to about \$200 million in the last three years.<sup>43</sup>

Congress should restore funding to the COPS Office. Local police need these resources to mend community relationships, and in so doing, further reduce crime and enhance public safety. Equally important, an essential value of democracy is that the people have confidence in law enforcement. Erosion of trust in police contributes to a suspicious view of government generally.

*The Hill* reports that President Trump plans to cut all COPS Office funding.<sup>44</sup> If defunded entirely, law enforcement's work will be much more difficult at a time when we are called on to do more. We urge the President, instead, to request more funding in his next budget to Congress for the COPS Office to continue strengthening and expanding local community policing.

Hostile relationships between communities and law enforcement are a national concern and can benefit from a national solution. Renewing federal support for the COPS Office is an important step toward a modernized and more effective police force across our nation, and one that empowers local police departments. It is crucial that we increase public trust and satisfaction in our law enforcement so we can work more effectively to identify neighborhood concerns, act together to intervene, and keep our country safe.

## V. Preserve and Expand Recidivism Reduction

More than 600,000 inmates leave prison every year.<sup>45</sup> Within three years, about half of them are back behind bars, and nearly 70 percent have been rearrested at least once.<sup>46</sup> This revolving door of incarceration serves no one well. It is expensive for the taxpayers, diverts limited police resources, and contributes to unnecessary incarceration and increased crime. Reducing the high recidivism rate is essential for protecting public safety.

Former inmates face an array of obstacles to successfully re-integrate into society. Many lacked the education or skills for gainful employment before they entered prison, and few have such skills when they leave.<sup>47</sup> In addition, potential employers may be reluctant to hire someone with gaps in their work history or with a criminal record. The majority of ex-offenders — 60 percent — are unemployed one year after release. And many cannot find housing; in urban areas up to 50 percent of homeless people were formerly incarcerated. With these challenges and little economic opportunity, it is hardly surprise that many ex-inmates return to crime or otherwise violate their terms of release.<sup>48</sup>

Since virtually all inmates are eventually released, prisons must start preparing inmates for release from the first day they are behind bars to the last. This includes effective support for ex-offenders once they re-enter society. Better preparation both in and outside prison will better protect public safety. For example, research shows that federal and state inmates who participate in education programs have a 43 percent lower recidivism rate than inmates who do not receive education.<sup>49</sup>

The Federal Bureau of Prisons (“BOP”), which oversees about 200,000 inmates — more than any individual state — embraces the philosophy that “release preparation begins the first day of incarceration.” Federal prisoners have access to several programs designed to ensure they have the vocational skills, education, and treatment necessary to succeed upon release.<sup>50</sup> In November, the BOP announced plans to expand programming by creating a school district in federal prisons offering new programs for literacy, high school diplomas, post-secondary education, and programs for individuals with learning disabilities.<sup>51</sup>

As a federal inmate nears release, reentry services intensify. The BOP decides whether to place the inmate in a residential reentry center (commonly called halfway houses) or supervised home confinement.<sup>52</sup> These settings have strict rules, such as curfews, but ex-offenders are permitted to leave only for special reasons, such as going to work, searching for a job, or visiting family.<sup>53</sup> This gradual transition allows inmates to start building their post-incarceration lives while some structure is maintained before having to attain complete self-sufficiency.

While halfway houses and home confinement better the chances of federal inmates successfully reentering society as law-abiding citizens, the federal government is not maximizing the potential of these programs. The BOP releases 21 percent of eligible prisoners directly into the community, bypassing these transitional services altogether.<sup>54</sup> In fact, it often fails to offer transitional services to offenders at the highest risk of recidivating.<sup>55</sup> Studies have found transitioning high-risk offenders through residential reentry centers actually decreases their likelihood of committing another crime. Unfortunately, a 2016 Office of Inspector General audit found that BOP officials release 42 percent of these inmates directly into the community from prison, likely out of a misguided concern that these offenders will reoffend while in transition.<sup>56</sup> Instead, the BOP should consider the greater risk of danger when releasing an inmate directly into the community with no transitional programming.

The new Administration has not yet provided a plan for federal prison programming; however recent reports indicate that President Trump is considering significant cuts to the federal budget.<sup>57</sup> While this would save immediate costs, eliminating these programs would ultimately harm public safety.

We urge the President and the Justice Department to support the existence and expansion of in-prison educational and treatment programs as a means to reduce recidivism, crime, and taxpayer dollars spent on repeat incarceration.

Second, the President should direct the BOP to expand its use of residential reentry centers and home confinement for federal prisoners nearing release. Specifically, he should direct the BOP to prioritize the placement of high-risk offenders into transitional services of some kind, as opposed to direct release into society.

Expanding reentry services behind bars and during reintegration into society will help decrease the overall rate of recidivism. In turn, this will reduce crime while decreasing the number of people we lock up and saving taxpayer dollars.

## Conclusion

Law enforcement's commitment to the public safety of our country compels us to urge the new Administration to act swiftly and decisively to support methods that work to reduce crime and to move away from outdated methods that do not.

By following the recommendations above, President Trump will support and augment our efforts. This will strengthen the criminal justice system, aid law enforcement, and better protect American communities.

## Endnotes

- <sup>1</sup> In the twenty years from its peak in 1991, the violent crime rate has fallen from an annual 758 crimes per 100,000 people to 387 crimes per 100,000 people in 2012. In the same period, property crime has fallen from 5140 to 2859 crimes per 100,000 people. See *UCR Data Online*, UNIF. CRIME REPORTING STATISTICS, <http://www.ucrdatatool.gov/index.cfm> (providing crime statistics from 1960 to 2012, when the latest available data for the tool is available).
- <sup>2</sup> *Id.* See also Josh Siegel, *What Rising Murder Rates In US Cities Mean For 2016*, *The Daily Signal* (Jan. 4, 2016), <http://dailysignal.com/2016/01/04/what-rising-murder-rates-in-us-cities-means-for-2016>.
- <sup>3</sup> *Standing Up For Our Law Enforcement Community*, THE WHITE HOUSE, <https://www.whitehouse.gov/law-enforcement-community> (stating “[t]he Trump Administration is committed to reducing violent crime”).
- <sup>4</sup> MAKE AMERICA GREAT AGAIN! DONALD J. TRUMP FOR PRESIDENT, DONALD TRUMP’S CONTRACT WITH THE AMERICAN VOTER 2 (2016), [https://assets.donaldjtrump.com/\\_landings/contract/O-TRU-102316-Contractv02.pdf](https://assets.donaldjtrump.com/_landings/contract/O-TRU-102316-Contractv02.pdf); Press Release, The White House, Presidential Executive Order on a Task Force on Crime Reduction and Public Safety (Feb. 9, 2017), <https://www.whitehouse.gov/the-press-office/2017/02/09/presidential-executive-order-task-force-crime-reduction-and-public>; Press Release, The White House, Presidential Executive Order on Enforcing Federal Law with Respect to Transnational Criminal Organizations and Preventing International Trafficking (Feb. 9, 2017), <https://www.whitehouse.gov/the-press-office/2017/02/09/presidential-executive-order-enforcing-federal-law-respect-transnational>.
- <sup>5</sup> See U.S. DEP’T. OF JUSTICE, FY 2017 REQUEST: STATE, LOCAL AND TRIBAL LAW ENFORCEMENT ASSISTANCE (2016), <https://www.justice.gov/about/fy-2017-budget-and-performance-summary> (providing summary of 2016 enacted appropriations for DOJ grants, including \$5 billion for the OJP, \$212 million for the COPS Office, and \$480 million for the OVW).
- <sup>6</sup> Letter from Association of Prosecuting Attorneys et. al. to Hillary Clinton & Donald Trump (July 13, 2016), <http://www.lawenforcementleaders.org/wp-content/uploads/2016/07/Law-Enforcement-Letter.pdf>.
- <sup>7</sup> MARK MOTIVANS, BUREAU OF JUSTICE STATISTICS, FEDERAL JUSTICE STATISTICS, 2012 - STATISTICAL TABLES 4 tbl. 1.1, 9 tbl. 2.1 (2015), <http://www.bjs.gov/content/pub/pdf/fjs12st.pdf>.
- <sup>8</sup> CHARLES COLSON TASK FORCE ON FEDERAL CORRECTIONS, TRANSFORMING PRISONS, RESTORING LIVES: FINAL RECOMMENDATIONS OF THE CHARLES COLSON TASK FORCE ON FEDERAL CORRECTIONS 7 (Jan. 2016), <http://colsontaskforce.org/final-recommendations/Colson-Task-Force-Final-Recommendations-January-2016.pdf>; E. ANN CARSON, BUREAU OF JUSTICE STATISTICS, PRISONERS IN 2014 17 tbl.12 (2015), <http://www.bjs.gov/content/pub/pdf/p14.pdf>.
- <sup>9</sup> See U.S. DEP’T. OF JUSTICE, SUMMARY OF BUDGET AUTHORITY BY APPROPRIATION (2016), <https://www.justice.gov/about/fy-2017-budget-and-performance-summary>.
- <sup>10</sup> DANIELLE KAEBLE & LAUREN GLAZE, BUREAU OF JUSTICE STATISTICS, CORRECTIONAL POPULATIONS IN THE UNITED STATES, 2015 2 tbl.1 (2016), <https://www.bjs.gov/content/pub/pdf/cpus15.pdf>.
- <sup>11</sup> WHITE HOUSE COUNCIL OF ECONOMIC ADVISORS, ECONOMIC PERSPECTIVES ON INCARCERATION

AND THE CRIMINAL JUSTICE SYSTEM 7 (Apr. 2016), [https://www.whitehouse.gov/sites/default/files/page/files/20160423\\_cea\\_incarceration\\_criminal\\_justice.pdf](https://www.whitehouse.gov/sites/default/files/page/files/20160423_cea_incarceration_criminal_justice.pdf) (finding that in 2012 real expenditures on the criminal justice system totaled over \$274 billion in 2015 dollars).

- <sup>12</sup> See generally GREGORY NEWBURN, AM. LEGISLATIVE EXCH. COUNCIL, *THE STATE FACTOR* (Mar. 2016), <https://www.alec.org/app/uploads/2016/03/2016-March-ALEC-CJR-State-Factor-Mandatory-Minimum-Sentencing-Reform-Saves-States-Money-and-Reduces-Crime-Rates.pdf>. Compare PAIGE M. HARRISON & ALLEN J. BECK, BUREAU OF JUSTICE STATISTICS, *PRISONERS IN 2002* 4 tbl.4 (Jul. 2003), <http://www.bjs.gov/content/pub/pdf/p02.pdf> (showing 50,591 prisoners incarcerated Michigan in 2002) with E. ANN CARSON & DANIELA GOLINELLI, BUREAU OF JUSTICE STATISTICS, *PRISONERS IN 2012* 23 tbl.17 (Sept. 2, 2014) <http://www.bjs.gov/content/pub/pdf/p12tar9112.pdf> (showing 43,594 prisoners incarcerated Michigan in 2012). *UCR Data Online*, UNIF. CRIME REPORTING STATISTICS, <http://www.ucrdatatool.gov/index.cfm> (providing crime statistics from 1960 to 2012, and showing the Michigan violent crime rate per 100,000 people was 540.7 in 2002 and 454.5 in 2012).
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- <sup>14</sup> States that have reduced crime and incarceration at the same time from 2005 to 2015 include: Alaska, California, Colorado, Connecticut, Delaware, Georgia, Hawaii, Iowa, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Montana, Nevada, New Jersey, New York, North Carolina, Rhode Island, South Carolina, Texas, Utah, Vermont, Virginia, Washington, Wisconsin, and Wyoming. See BUREAU OF JUSTICE STATISTICS, *CORRECTIONS STATISTICAL ANALYSIS TOOL (CSAT) – PRISONERS*, <http://www.bjs.gov/index.cfm?ty=np> (providing prison population data by state from 2005-2015); FED. BUREAU OF INVESTIGATION, *UNIFORM CRIME STATISTICS, 2015* (2016), <https://ucr.fbi.gov/crime-in-the-u.s/2015/crime-in-the-u.s.-2015> (providing crime and population data by state from 2005-2015).
- <sup>15</sup> Sentencing Reform and Corrections Act of 2015, S.2123, 114th Cong. (2015).
- <sup>16</sup> Emily Cadei, *Pence's Support Gives Criminal Justice Reform Supporters Hope*, NEWSWEEK.COM (Oct. 7, 2016), <http://www.newsweek.com/pence-criminal-justice-reform-507441>; Adam Liptak, *Right and Left Join Forces on Criminal Justice*, N.Y. TIMES (Nov. 23, 2009), [http://www.nytimes.com/2009/11/24/us/24crime.html?\\_r=1&hp](http://www.nytimes.com/2009/11/24/us/24crime.html?_r=1&hp); Josh Siegel, *Republican Leaders Throw Weight Behind Prison Reform*, THE DAILY SIGNAL (Apr. 22, 2016), <http://dailysignal.com/2016/04/22/republican-leaders-put-weight-behind-prison-reform>; Press Release, Speaker Paul Ryan, FULL TEXT: Speaker Ryan on the State of American Politics (Mar. 23, 2016), <http://www.speaker.gov/press-release/full-text-speaker-ryan-state-american-politics>; Michael Mukasey & Ronal Serpas, *Federal Sentencing Reform Will Aid Law Enforcement*, THE HILL (Feb. 29, 2016), <http://thehill.com/opinion/oped/271212-federal-sentencing-reform-will-aid-law-enforcement>.

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- <sup>51</sup> Press Release, Dep't of Justice, Justice Department Announces Reforms at Bureau of Prisons to Reduce Recidivism and Promote Inmate Rehabilitation (Nov. 30, 2016), <https://www.justice.gov/opa/pr/justice-department-announces-reforms-bureau-prisons-reduce-recidivism-and-promote-inmate>.
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<sup>54</sup> OFFICE OF THE INSPECTOR GEN., AUDIT OF THE FEDERAL BUREAU OF PRISONS' MANAGEMENT OF INMATE PLACEMENTS IN RESIDENTIAL REENTRY CENTERS AND HOME CONFINEMENT i (2016), <https://oig.justice.gov/reports/2016/a1701.pdf>.

<sup>55</sup> For each prisoner entering a federal facility, the BOP assesses this risk by considering several recidivism factors, including criminal history, offense type, age, sex, and behavior while incarcerated. This assessment is routinely reviewed, including before reentry service determinations are made by the BOP. *Id.* at 13-14.

<sup>56</sup> *Id.* at ii.

<sup>57</sup> *See, e.g.*, Alexander Bolton, *Trump Team Prepares Dramatic Cuts*, THE HILL (Jan. 19, 2017), <http://thehill.com/policy/finance/314991-trump-team-prepares-dramatic-cuts>.





# **LAW ENFORCEMENT LEADERS**

To Reduce Crime & Incarceration

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