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ART IS FOOD. You can't EAT it BUT it FEELS  
good. ART has to be CHEAP & available to  
EVERYBODY. It needs to be EVERYWHERE  
because it's the INSIDE of the  
WORLD.  
ART SOOTHES PAIN!

# RETHINKING THE BLUES:

HOW WE POLICE IN THE U.S. AND AT WHAT COST

JUSTICE POLICY INSTITUTE | MAY 2012

# JUSTICE POLICY INSTITUTE

Mission: Reducing the use of incarceration and the justice system and promoting policies that improve the well-being of all people and communities.

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## PART 1

# INTRODUCTION

Although crime rates are at the lowest they have been in over 30 years,<sup>1</sup> the number of arrests has declined only slightly between 2009 and 2010<sup>2</sup> and the U.S. still spends more than \$100 billion on police every year<sup>3</sup> to fund 714,921 sworn police officers and an increasing number of militarized police units.

Police play a vital role in protecting communities and holding accountable those who have committed violent and property offenses. However, police forces have morphed over the years from a locally-funded and managed entity to protect public safety, to also serving as a federally-funded jobs initiative, an engine for surveillance, and a militaristic special forces agency engaged in a war on drugs, gangs, and youth. Federal government funds and involvement have helped create large police forces that are disconnected from communities and operate in a punitive rather than preventative way, resulting in more arrests, more prison, and more costs to taxpayers, among other negative effects on communities. It is not just the sheer number of police that lead to more arrests and more prison, but also the style of policing, which treats entire communities as though they should be contained, surveilled, and punished.

A confluence of factors created the current policing system, including new theories about crime prevention, the focus on individual users in the war on drugs, a general increase in laws, and the adoption of new policing strategies.<sup>4</sup> A surge in violent crime in the early 1990s also increased focus on police,

especially from the federal government. Even though localities continue to fund and hire most police, the federal government infused more money into jurisdictions through such laws as the Violent Crime Control and Law Enforcement Act of 1994, which established federal grants to fund local jurisdictions to hire 100,000 police officers through Community Oriented Policing Services (COPS) grants, positions localities would then need to fund themselves. As localities hired thousands of new police officers, the U.S. saw dramatic increases in arrests and prison populations.

However, crime had already started to decline by the time these grants were distributed and implemented. Therefore, additional police only contributed to increases in arrests for both serious and minor offenses, without significant additional impact on crime – although law enforcement took credit for declines. The increases in arrests were, however, a likely major driver of incarceration rates, which increased 39 percent from 1993<sup>5</sup> to 2010, reaching 732 per 100,000.<sup>6</sup> And the greatest impact of these policies was seen in communities of color.

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With violent and property crime down, a greater percentage of arrests are now for other types of offenses, particularly drug offenses. These arrests, often for possession of very small amounts of drugs, carry tremendous costs both to society and to the people involved, who must then face the rest of their life with the collateral consequences of a criminal record.

The combined numbers of police, encouraged by federal funding and aggressive policing, are representative of a continued misguided approach to keeping communities safe. Because the Department of Justice considers “successful law enforcement policies” as those that increase the number of people arrested and imprisoned, governments are shortchanging the public in regards to public safety at a very high cost. Policymakers should be directing funds toward true community-based and collaborative policing efforts, prevention, intervention, treatment, education, and a host of other programs and initiatives that have been shown to promote healthy, safe communities. When arrests are the bottom line instead of public safety and healthy, prosperous communities, our priorities are skewed.

This report does not argue that there should be no law enforcement, nor does it argue that some communities are not seriously harmed by crime, but rather that communities and the federal government should reconsider how much is being spent and on what type of policing. A balanced approach is needed that concentrates on prevention and doesn't result in arrests and surveillance focused on communities of color. Perhaps even more importantly, communities should reject approaches to policing that are punitive and breed mistrust of police, undermining efforts to preserve public safety. The following are some of the main findings from the report:

- **Expenditures, not crime, drive increases in police forces and arrests.** Crime is at the lowest levels it has been in over 30 years, but funding for police increased 445 percent between 1982 and 2007, with federal funding increasing the most at 729 percent. While the economic slowdown has slightly decreased law enforcement spending, it still is not comparable to the drop in crime rates.
- **More police don't necessarily keep us safer.** Studies of federally-funded police programs, specifically Community Oriented Policing Services (COPS), found that the program did not significantly contribute to the dramatic decrease in crime over the last 30 years. Also, there is no clear correlation between spending more on police and lower violent crime rates, as state level data on both shows.
- **Crime is down, but arrests continue, especially for drug offenses.** Violent and property crime rates have fallen 47 percent and 43 percent since 1991, when the crime rate was at its highest, but arrests have fallen only 20 percent. Instead of making arrests for violent and property crime, police are focusing on drug offenses, especially small amounts of drugs. Arrests for drug offenses have increased 45 percent between 1993 and 2010, while arrests for violent and property crime have fallen 27 and 22 percent, respectively.
- **Militaristic policing does more harm than good.** Drug task forces, S.W.A.T. teams, gang task forces, and other militaristic styles of policing have resulted in corruption, deaths of innocent people, wrongful convictions, and the disproportionate arrest of people of color. These types of police forces have done

very little to improve public safety, but significantly harm communities and the image of police.

- **Some communities are disproportionately affected by policing:** People of color and lower income communities experience law enforcement in a concentrated way. For Black communities, this is particularly true for drug arrests. Although Blacks make up 13 percent of the population, they make up 31 percent of arrests for drug offenses, while whites are 72 percent of the population, but 67 percent of arrests. Meanwhile both groups report similar rates of drug use.<sup>7</sup>
- **The negative effects of over-policing, including punitive, militaristic policing, outweigh the benefits.** Particularly in times of falling violent and property crimes, increased spending on police leads to more arrests for low level and drug offenses, especially in communities of color. While police don't "make the laws," the reality is that arrests are the first step to involvement in the justice system, which carries with it the potential for incarceration and a host of collateral

consequences for individuals and negative impacts on communities, including high taxpayer costs. Any social benefit accrued from aggressive enforcement of drug and "quality of life" laws must be weighed against these costs.

- **Community-supportive and supported policing protects public safety without the negative side effects.** Policing initiatives that are community-driven and supported have had similar, if not better public safety benefits as more aggressive, arrest-driven policing initiatives. San Diego's now defunded community supported policing initiative had similar public safety outcomes as New York's zero tolerance approach, with fewer arrests and without complaints of racial profiling, police misconduct or abuse.
- **More spending on policing means fewer resources available for other public safety strategies that are better for communities.** Investments in community based drug and mental health treatment, education, and other social institutions can make communities safer while building their other assets and improving life outcomes for all.

## PART 2

# POLICING TODAY IN THE U.S.

Policing takes many forms in the United States, including neighborhood police officers, state police, sheriffs, park police, and transit police, to name only a few. Police are on-call 24-7 and tasked with preventing crime, investigating crime and apprehending people that are believed to have committed a crime, and keeping order in the community, among other various services as needed.<sup>8</sup>

In 2007, there were 714,921 full-time sworn law enforcement personnel at the state and local levels.<sup>9</sup> The majority of these officers were at the local level, making up about two-thirds of sworn law enforcement personnel in the United States. Three quarters of all police departments employ fewer than 25 sworn officers, and a third of all full-time sworn police officers are employed by police departments with 1,000 or more officers.<sup>10</sup>

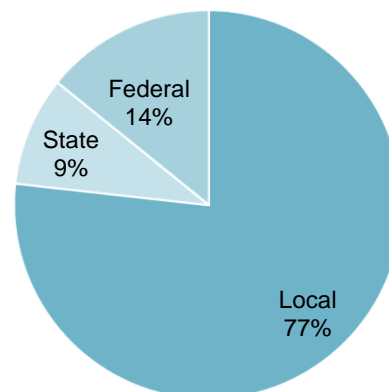
As most law enforcement is at the local level, it is not surprising that 77 percent of police spending in 2007 was by local governments.

Law enforcement agencies use a variety of screening procedures to hire police officers, but only one percent require a four-year college degree, with 16 percent having some kind of college requirement. Most police are men (88.1 percent in 2007) and the percent of local police that are people of color was about 25 percent in 2007,<sup>11</sup> which roughly corresponds to the percentage in the general population.<sup>12</sup>

## WHAT DO POLICE DO?

Broadly, police work in the United States includes the expectation that police both enforce the law and protect individual rights. Police have the authority to use force, while at the same time be the protectors of public safety. In practice, police also often become the agency of last resort -- the people summoned for family disputes, alcohol and drug incidents, and mental health crises.<sup>13</sup> Although some jurisdictions have set up task forces specifically to train people to handle

**In 2007, 77 percent of police spending is by local governments**



Source: Bureau of Justice Statistics, "Employment and Expenditure," Accessed October, 2011. <http://bjs.ojp.usdoj.gov/index.cfm?ty=tp&tid=5>

these situations, for many jurisdictions, police receive no such specialized training yet remain the only ones available to handle these issues.

Police also serve as a mechanism of social control, which can be described as the way a society, or certain segments of society, operate based on designated principles.<sup>14</sup> These principles are often defined by people with power and may affect some members of society differently than others. In addition, because police themselves are part of a system of social control, they sometimes use their own discretion in a variety of situations, creating instances in which some offenses and some people are treated differently than others.<sup>15</sup>

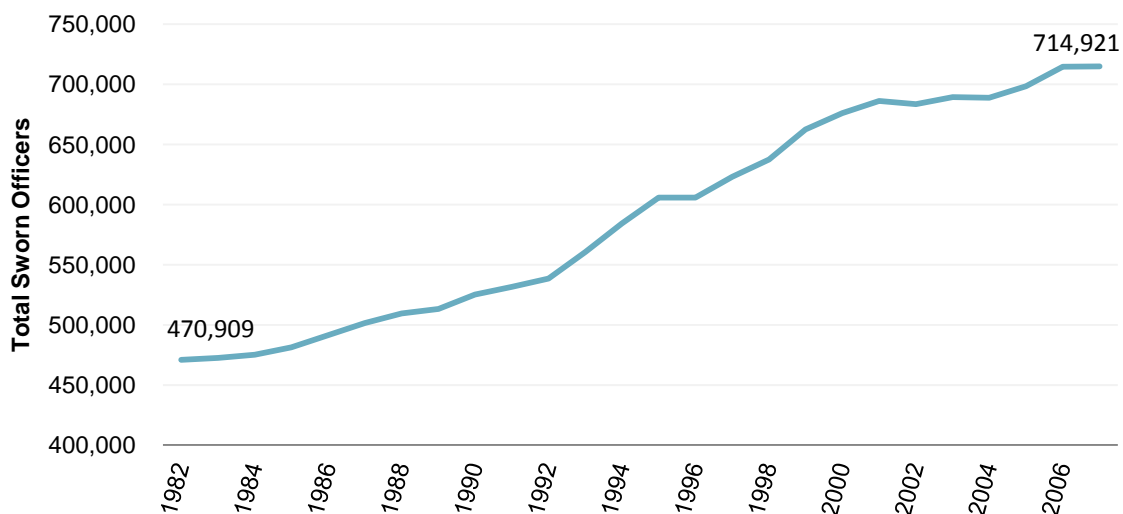
Increasingly, there are efforts to redefine social controls, and therefore policing, in terms of the needs of smaller communities. Such practices can help alleviate policies that might not fit the needs of a particular community.<sup>16</sup> These efforts at community policing involve more community members in

all aspects of policing. In 2007, 16 percent of police departments had a written community policing plan, with 69 percent of police departments serving more than 1 million people having such a plan.<sup>17</sup> However, these modern efforts at community policing are still highly influenced by federal policy rather than local insight because so much federal money pays for community policing programs. In fact, the President’s 2013 budget includes more than \$4 billion, ostensibly for Community Oriented Policing Services but without requiring adherence to a community-centered model.<sup>18</sup>

## BACKGROUND: WHY DO WE POLICE THE WAY WE DO?

Crime is at one of the lowest levels in three decades, yet the U.S. has more police than ever. In 2007, there were 714,921 full-time sworn officers in state and local jurisdictions across the country,<sup>19</sup> one for every 421 people in the U.S. About 90 percent of these officers are employed at the local level. Between 1982

**The total number of state and local sworn officers increased 52 percent between 1982 and 2007**



Source: Bureau of Justice Statistics, Justice Expenditure and Employment Extracts 1992-2007 – Police Protection (Washington, D.C.: 2010).

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and 2007, the number of full-time officers at the state and local level increased 52 percent. The reasons for this steady increase in police forces are numerous, but do not correspond with crime trends. Some of the reasons for an increase in police, as well as a trend toward more militarized police forces, include an increasingly punitive response to drug use, growth in federal funding of local police, and zero tolerance policing strategies.

### NEW POLICIES AND STRATEGIES CREATED THE PERCEIVED NEED FOR MORE POLICE

Over the last 30 years, significant policy changes at all levels of government around drugs, crime control and policing strategies have created a perceived need for more police. While these national policy agendas were playing out, more and more offenses have been added to the books. For instance, the number of federal offenses increased 48 percent between 1980 and 2008.<sup>20</sup>

#### **The War on Drugs meant more police to catch people using drugs.**

The beginning of the “war on drugs” dates back to the Nixon administration,<sup>21</sup> but in the 1980s and 1990’s new policies took aim at people who use drugs, including the use of more aggressive policing tactics.<sup>22</sup> The initial intention of a war on drugs was to target what appeared to be an increasingly violent drug market; its focus was to be on those individuals and organizations that were engaged in large scale drug trade operations both in and outside the United States. By emphasizing – and at times, overemphasizing – the impact of the violent drug trade in the U.S., there was a growing fear among the general public of the impact of drug use on communities. As a result, in the 1980s the

“war on drugs” no longer delineated between drug cartels and individual users.<sup>23</sup> This shift in emphasis was exemplified by the development of zero tolerance policing models throughout the United States.<sup>24</sup> The term “zero tolerance” was first used related to the federal practice of impounding of any sea-going vessel carrying any amount of drugs. In 1988, U.S. Attorney General Meese proclaimed the program a national model and expanded it to allow any vehicle crossing the U.S. border with any amount of drugs to be impounded and the occupants to be charged in federal court.<sup>25</sup>

As a result of these policies, the number of people incarcerated in the U.S. for drug offenses increased 1,412 percent between 1980 and 2006.<sup>26</sup> Now, nearly a quarter of the people in state and federal prisons are there for drug offenses.<sup>27</sup>

#### **Broken Windows Theory, Zero Tolerance, and COMPStat made policing densely in some areas seem an attractive policy.**

“Broken Windows Theory”<sup>28</sup> became a major contributor to the policing of quality-of-life offenses such as panhandling, graffiti, and loitering. In 1982, criminologists James Q. Wilson and George Kelling argued that disorder in a neighborhood – whether it is vandalism, dilapidated buildings, or litter – may lead to further disorder and a breakdown of social control.<sup>29</sup> According to their theory, when the cycle of disorder worsens, fear of crime will increase among neighborhood members and actual crime rates – including more serious or violent crimes – may increase. Broken Windows largely attributes this increase in fear and crime to the belief that community outsiders feel the risk of being caught in an area of disorder is low.<sup>30</sup> Accordingly, in order to decrease disorder and regain social control, law enforcement



officers should “focus resources on cracking down on community disorder and minor crimes before they cause serious crime problems to arise in a neighborhood.”<sup>31</sup> Following this approach meant more police intervention, resulting in what is termed “hot spot policing.” This focuses police attention on small geographic regions where rates of crime are particularly high,<sup>32</sup> under the belief that crime problems thus could be reduced more efficiently.<sup>33</sup>

Research is at best inconclusive as to whether Broken Windows-style “hot spot” police crackdowns actually reduce rates of serious crime.<sup>34</sup> There are also negative consequences of hot spot policing. Some research shows that greater presence of law enforcement officers in neighborhoods actually leads to increased fears of crime amongst residents,<sup>35</sup> which can impede efforts to reinforce social control and restore order.

Around the same time, the “CompStat” management philosophy was implemented in New York City, with the goal being to identify problem areas in the City and then staff those areas appropriately. This strategy complemented Broken Windows and zero tolerance approaches and has been credited with significantly reducing crime in New York City<sup>36</sup> and in other cities in which it was adopted. However, more recent information indicates that CompStat has encouraged police agencies to underreport crime or intimidate victims into withdrawing their complaints so that it appears that crime continues to decline.<sup>37</sup>

There are also growing concerns about the rise in citizen police mistrust that can result when police are saturated within certain neighborhoods. For example, in some areas where police presence was increased, “citizen complaints about police misconduct and

abuse of force” became much more common.<sup>38</sup> Increased presence of police in specific neighborhoods leads to a greater likelihood of police citizen contact and as a result an increased likelihood of arrest for people in “hot spot” areas versus other neighborhoods. The same is likely true of areas identified by Compstat.

### **Chicago Alternative Policing Strategy encouraged federal spending on replication, although the promise of sustained implementation of new model has not been met.**

In response to increasing crime and community distrust of police, the city of Chicago implemented the Chicago Alternative Policing Strategy (CAPS) in 1993.<sup>39</sup> Differing from other community policing efforts around the country that established a few special units to conduct community policing, CAPS was a citywide program that required participation from every district within Chicago. The CAPS program had six key elements in its design:<sup>40</sup>

- The entire police department and city of Chicago would be involved
- Police officers were to have permanent beat assignments
- There was a serious commitment to training officers on the skills to identify and solve problems in conjunction with the community
- Communities were to play a significant role in the program
- Policing was to be linked to the delivery of other city services
- Emphasis was to be placed on crime analysis

The CAPS model emphasized police decentralization, the reorientation of officers to a community policing model, interagency

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partnerships and coordination with other city service agencies, and community involvement.<sup>41</sup> The 25 districts of Chicago were divided into 279 beats with an officer permanently assigned to a specific beat and rapid response teams that worked in tandem with regular patrol officers on beat duty. Throughout the implementation of CAPS, much emphasis was placed on community involvement and, as such, each beat would hold a regular monthly beat meeting with members of the community to discuss and prioritize community safety issues.<sup>42</sup>

CAPS achieved some, but not all of its goals, with its major failure being the inability of the program to fully engage some segments of the community in the model, specifically Latino renters, low-income households and non-high school graduates.<sup>43</sup> However, Chicago was successful in changing the way police officers did their jobs, spending more time on community-oriented problem solving. In the prototype districts fully engaged in the CAPS model and under evaluation, there were perceived positive changes in the quality of life by residents: less crime, less fear, fewer gangs, and a greater sense of police responsiveness.<sup>44</sup> The most notable change and major achievement in Chicago was the citywide reorientation of policing.<sup>45</sup>

The success of CAPS helped to pave the way for increased expenditures in the federal Community Oriented Policing Services (COPS) program. The rationale was that if CAPS could be successful in a large diverse city like Chicago, it could be widely replicated. However, the COPS office has acted more like a federal jobs program than a model policing project focused on changing the orientation of policing, with little accountability on the part of grant recipients

regarding fidelity to a CAPS type model. In fact, the number of community policing officers in local police departments *declined* 54 percent from 2000 – 2007,<sup>46</sup> showing that this model was not incorporated into standard practices after the initial bump in federal funding leveled off. As a result, COPS has shown little positive effects, and has been criticized for removing from its core the tenet that community policing should be organic and locally driven and supported, rather than dictated by federal grant requirements.<sup>47</sup>

### **More, new laws made policymakers choose between more police or lax enforcement of some rules.**

Part of the reason why we have so many police is because we have so many laws to enforce. Laws that criminalize certain behaviors are made at all levels of government. According to The Heritage Foundation, the number of criminal offenses in the U.S. Code increased from 3,000 in the early 1980s to 4,000 by 2000 to over 4,450 by 2008.<sup>48</sup> With legislators criminalizing everything from directing laser pointers at airplanes<sup>49</sup> to reselling football tickets,<sup>50</sup> police departments can be justified in asking for more funding and officers to enforce these laws. *The Washington Post* recently released a list of 159 minor offenses that could result in arrest, including failing to display a license on an eel trap, climbing a street lamp, having an unleashed dog, and until recently, displaying expired vehicle tags.<sup>51</sup> But continuing to criminalize even minor behaviors and trying to enforce them is a never-ending cycle that will only end up costing more in the long run without making us safer.<sup>52</sup>

## Businesses are increasingly influencing policing.

Despite negative collateral consequences, tactics like COMSTAT and CAPS are well-intentioned in their goals of reducing serious and violent crime. However, increasingly police efforts are being redirected towards helping businesses achieve their goals of stability and profitability.

One way this is occurring is through what are known as Paid Detail Units (PDU). Both the New York City and New Orleans police departments use PDU's.<sup>53</sup> In New York City, businesses pay to have uniformed police officers – with the power to carry a gun and arrest people – serve when and where they demand, irrespective of other policing patterns. According to reports from fall 2011, corporations paid NYPD about \$37 per hour to cover the cost of the officer, plus a ten percent administrative fee.<sup>54</sup> Last year, the City's budget included \$1,184,000 in Paid Detail fees, which at ten percent of the total indicates that companies paid about \$11.8 million to PDU police.<sup>55</sup> This number has doubled in the past decade.

The growth of the Occupy movement has brought the use of PDU's to the forefront, as Wall Street has been a large consumer of private policing. Concerns include the ability of wealthy businesses to influence police strategies and patterns, and that arrests and incarceration that are result of PDU activities ultimately are paid for by taxpayers. When a local jurisdiction pays the costs of police, there is more accountability around the costs of frivolous arrests and jail time than when those efforts are being funded by private businesses.

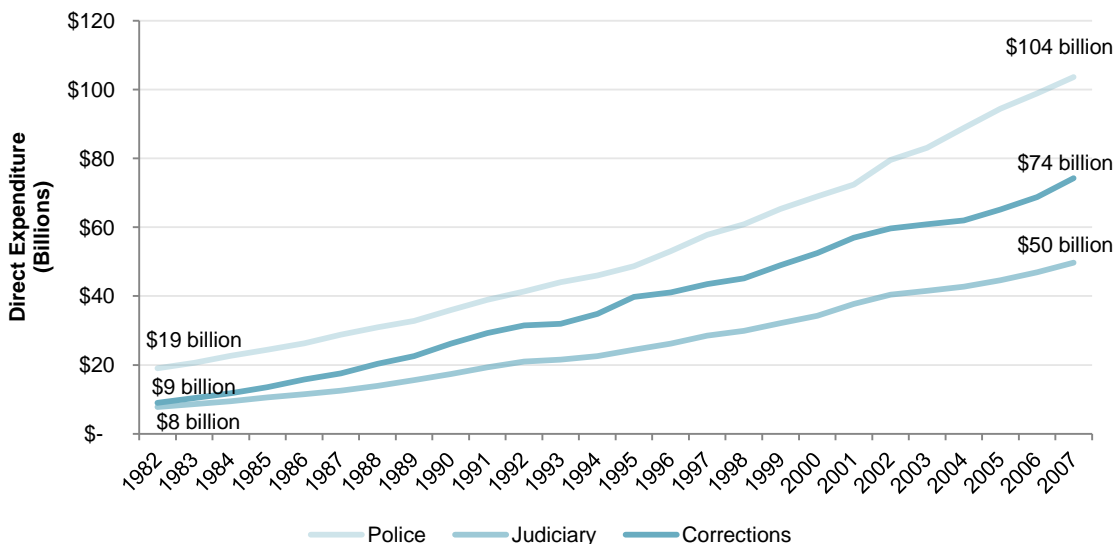
Another way businesses influence policing is through Business Improvement Districts (BIDs). Sanctioned by local government, BIDs



allow businesses to tax themselves to provide services above and beyond what public entities are willing or able to fund. Security officers are one common use of BID money. While security officers themselves generally are not able to make arrests, when they see someone engaging in a behavior that is “undesirable,” as defined by the area businesses that employ them, they can and do call the police. A person interviewed in Los Angeles described how this plays out: “I was just sitting down eating my lunch when this red shirt person told me that I can’t sit here and eat. I have been sitting in front of the San Julian Park for years. When I told them I was not going to move until I finished, they called the police.”<sup>56</sup> The woman was arrested and ended up spending five nights in jail for unpaid jaywalking tickets that had been converted to warrants.

Businesses that seek police involvement in managing quality of life offenses may not realize the impact these policies have on individuals and communities—including their customer base. Quality of life offenses such as loitering or public intoxication are arguably not ideal for neighborhoods or businesses, but police are not the only solution, and businesses should look for alternative ways of working with communities to address these behaviors. This

Spending on police protection has increased 445 percent since 1982.



Source: Bureau of Justice Statistics, "Employment and Expenditure," Accessed February, 2012. <http://bjs.ojp.usdoj.gov/index.cfm?ty=tp&tid=5>

could also help businesses build stronger ties to neighborhoods, increasing their business while improving public safety.

## EXPENDITURES ON POLICING ROSE WITH NEW POLICIES AND STRATEGIES.

While all of these new laws and policies were going into effect, funding for police also increased, particularly at the federal level. Local governments fund the majority of police functions, but increases from the federal government spread single policing ideas across the nation, without necessarily



The District of Columbia has over **100** separate policing agencies

~D.C. Fraternal Order of Police

ensuring that the original intention of the policing strategy is replicable.

While most added dollars to police budgets came at the local level, since 1993 increased federal funding has enabled cities and towns to add even more police in ways that arguably provided little in the way of added public safety. In particular, federal funds including Community Oriented Policing Services (COPS) and Byrne Justice Assistance Grants (JAG) expended at the local level, have risen dramatically, contributing to thousands of additional police officers in the 1990s alone.

Criminal justice is funded and operated at all levels of government (federal, state and local) and all three levels have increased funding on all parts of the criminal justice system, including police, judiciary (courts) and corrections. Since 1982, total criminal justice spending increased 535 percent: total spending on police increased 445 percent; judiciary spending was up 540 percent; and corrections spending increased 720 percent.<sup>57</sup> While states and localities are increasingly looking for more effective ways to use scarce

funds,<sup>58</sup> criminal justice continues to consume a large percentage of budgets.

Federal, state and local governments spent about \$104 billion combined on police protection in 2007, making up about 46 percent of all criminal justice spending.<sup>59</sup> In 1993, before the Crime Control and Law Enforcement Act of 1994 was passed, only \$44 billion was spent on police; the percentage increase in criminal justice spending for police was similar to that for both corrections and the judiciary, which isn't surprising as these are the "downstream" costs of more arrests. The 445 percent increase in police spending since 1982 has been seen across all levels of government, with the federal government experiencing the greatest increase at 729 percent, followed by local spending increases of 413 percent and state government spending increasing 358 percent.

### Federal Spending

Federal spending on criminal justice has grown faster than both state and local spending combined, although it still only makes up about 16 percent of all criminal

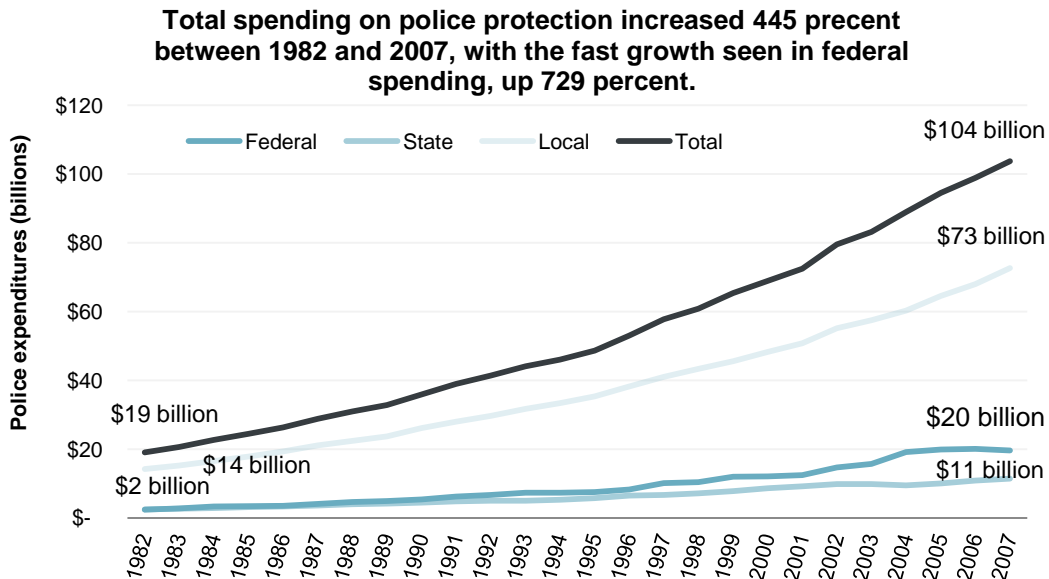
Reductions in crime may have as much to do with demographic changes and the strength of the economy as with the efforts of a federal crime-prevention program.

~ CONGRESSIONAL BUDGET OFFICE

justice spending.<sup>60</sup> The federal government spent about \$20 billion on police protection in 2007.<sup>61</sup> In 1993, prior to the passing of the Crime Control and Law Enforcement Act of 1994 the federal government spent just over \$7 billion on police protection, a 167 percent increase from 1993 to 2007.<sup>62</sup> Most federal law enforcement funding is funneled through two programs: COPS and Byrne JAG. While these sources of funding may have been desirable to localities over the years, requirements and competition associated with receiving these funds may also have caused localities to back away from customizing their style of policing in favor of the tactics prescribed by the federal government.

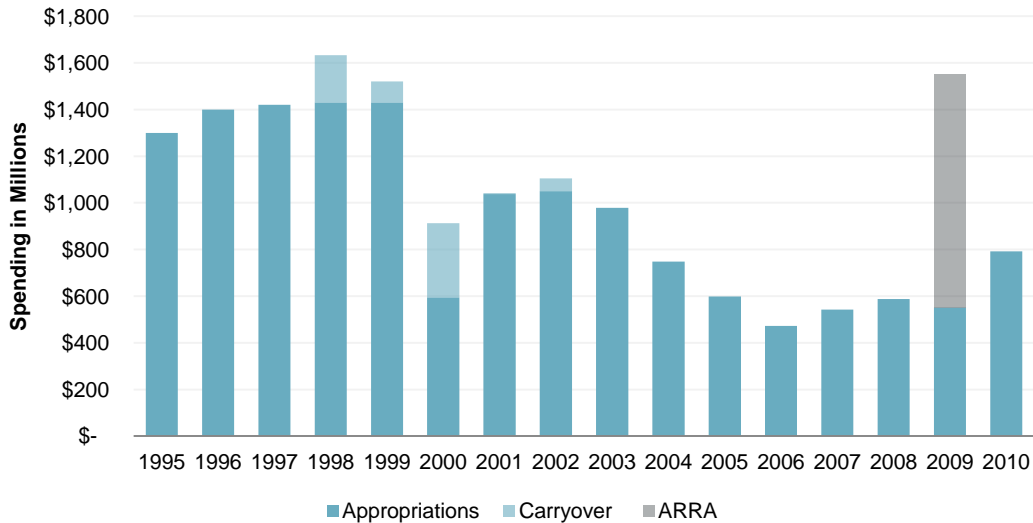
#### COPS grants

In October 1993, President Clinton and the Democratic Congress enacted the Community



Source: Bureau of Justice Statistics, "Employment and Expenditure," Accessed February, 2012. <http://bjs.ojp.usdoj.gov/index.cfm?ty=tp&tid=5>

**COPS funding is less than half what it was when it started, but it is growing again.**



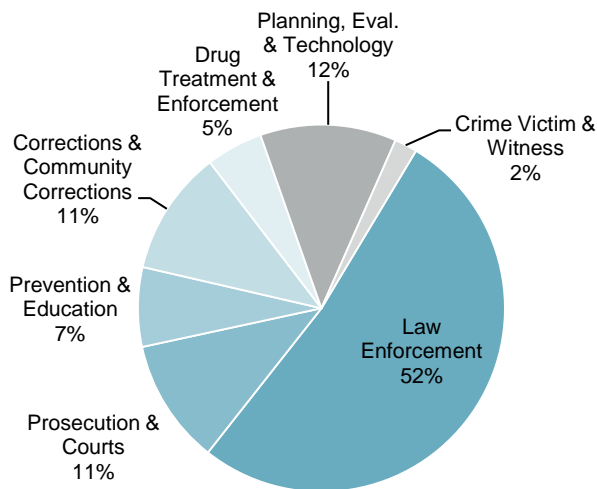
Source: Nathan James, "Community Oriented Policing Services (COPS): Background, Legislation, and Funding," *Congressional Research Service* (2011). [www.fas.org/sgp/crs/misc/RL33308.pdf](http://www.fas.org/sgp/crs/misc/RL33308.pdf)

Oriented Policing Services (COPS) grant as part of the Violent Crime Control and Law Enforcement Act of 1994 in order to combat a rise in violent crime at that time. The COPS program awards grants to state, local, and tribal law enforcement agencies so they could hire and train law enforcement officers to participate in community policing, purchase and deploy new crime-fighting technologies, and develop and test new and innovative policing strategies.<sup>63</sup> COPS started with a budget of \$8.8 billion over a 6-year period and aimed to provide 3-year grants for law enforcement agencies across the country to hire around 100,000 new officers. The intent was that these agencies would continue to pay these officers without federal funding after the grant expired.<sup>64</sup> According to the Department of Justice, this

number was never reached,<sup>65</sup> and a number of localities laid off officers once the grant money ran out.<sup>66</sup>

The Violence Against Women and Department of Justice Reauthorization Act of

**Byrne JAG grants primarily fund law enforcement**



Source: Based on a 2010 survey of State Administering Agencies (SAAs) by the National Center for Justice Planning, a project of the National Criminal Justice Association. National Criminal Justice Association, *Byrne JAG: Cornerstone for Justice* (Washington, D.C.: NCJA, 2011)

2005 reauthorized the COPS program through FY2009. In addition to the funding authorized in the budget in FY2009, COPS grants also received \$1 billion for its hiring program as part of the American Recovery and Reinvestment Act,<sup>67</sup> which was intended to stimulate the U.S. economy and create jobs after the onset of a serious economic recession. The President's fiscal year 2013 budget proposes to continue this practice of using COPS to create jobs through \$4 billion for the immediate creation of law enforcement jobs in 2012.<sup>68</sup>

#### Byrne Justice Assistance Grants (JAG)

State and local law enforcement is also funded through the federal Byrne Justice Assistance Grant (JAG), which was established as part of the Anti-Drug Abuse Act of 1988. As part of the Consolidated Appropriations Act of 2005, the 108<sup>th</sup> Congress merged the discretionary Edward Byrne Memorial Grant Program with the formula-based Local Law Enforcement Block Grant (LLEBG) program to establish the Edward Byrne Memorial Justice Assistance Grant (JAG) program.<sup>69</sup> The JAG program has seven purpose areas under which funds may be awarded:

- Law enforcement
- Prosecution and courts
- Prevention and education
- Corrections and community corrections
- Drug treatment
- Planning, evaluation, and technology improvement
- Crime victim and witness programs.

Although the Bush administration pushed to eliminate all types of Byrne funding due to the lack of demonstrable results, they were reauthorized through 2012. The Byrne JAG statute authorizes funding at \$1.095 billion per year, though appropriated levels have never reached that threshold. In recent years,

### **Federal funds flow to state and local law enforcement for homeland security**

A Center for Investigative Reporting analysis indicates that in the past 10 years, Department of Homeland Security (DHS) has given grants totaling over \$34 billion to state and local governments for homeland security efforts. While some funds have been used to enhance intelligence gathering and interagency communication, other funds have only served to further militarize local police forces. With grants administered by DHS, state and local police forces have been infused with cash to purchase items such as flash grenades, tanks and drones. For instance Montgomery County, Texas was the first local jurisdiction to purchase a weapons-capable aerial drone and recently Tampa, Florida has added an eight-ton armored personnel carrier to its current fleet of two tanks.

Federal government funds and involvement have helped to not only create larger police forces, but also police forces that are more militarized and disconnected from communities. The increased rhetoric of a domestic "war on drugs," combined in the last ten years with a "domestic war on terror," has served to influence a growingly aggressive and militaristic style of policing, which treats entire communities as though they should be contained, surveilled, and punished. Militarized state and local police forces operate in a punitive rather than preventative way resulting in more arrests, more prison, and more costs to taxpayers, among other negative effects on communities.

#### Sources:

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funding has hovered at about \$450 million.<sup>70</sup> Similar to COPS, the American Recovery and Reinvestment Act of 2009 (ARRA) provided a one-time boost of \$2 billion to the program to preserve or create law enforcement jobs.

The total 2010 allocation for the JAG funding was approximately \$457 million, of which \$267.5 million went to state law enforcement efforts (much of which was re-granted to local entities) and \$178.4 million went to local law enforcement,<sup>71</sup> based on violent crime data from the Federal Bureau of Investigation. While JAG can be used across all seven of these purpose areas and the grant does not specify that a certain percentage should be used on a particular area, the bulk of funding

is spent on law enforcement. In FY2010, grantees reported 52 percent of their spending was used on law enforcement, while prevention and education only received 7 percent of funds.<sup>72</sup> Crime victim assistance and witness protection received just 2 percent of all funds. Collectively, spending on multi-jurisdictional task forces, which bring together a number of different criminal justice agencies to combat drugs or violent crime, is 23 percent of total JAG formula spending.<sup>73</sup> In FY2009, more than \$170 million of JAG was used to fund drug or gang task forces,<sup>74</sup> which have been shown to not only lead to more arrests, but have a disproportionate impact on communities of color.<sup>75</sup>

### USING BYRNE JAG DIFFERENTLY IN CALIFORNIA

In 2007, with funding of \$20 million from Byrne JAG, California's drug task forces reported 9,617 arrests, 7,558 prosecutions, and 5,378 convictions.<sup>1</sup> If each of those convictions resulted in even one year in prison, costs to state and local governments would exceed \$260 million, none of which is paid by Byrne Justice Assistance Grants. In contrast, the task forces seized assets worth less than \$25 million.<sup>1</sup>

As part of the 2009 federal stimulus package, California received \$225 million in Byrne Grants – about 10 times the state's typical annual allocation. Concerned that such a huge injection of dollars into task forces would exacerbate arrests and drug war waste, the Drug Policy Alliance led a successful, precedent-setting campaign to redirect the funds to more sensible and cost-effective programs.

In 2009, for the first time, California directed a total of \$100 million in stimulus Byrne Grants to intensive probation, treatment-instead-of-incarceration programs and pilot re-entry courts. If directed to task forces, the \$100 million in 2009 stimulus Byrne Grants would have been likely to result in tens of thousands more arrests and \$1.3 billion in new state costs. In contrast, based on previous analyses,<sup>1</sup> the \$100 million investment in treatment, probation and re-entry is expected to reduce state costs by over \$250 million.

Source: Drug Policy Alliance, *Federal Byrne Grants: Drug War Funds Available for Drug Treatment* (Los Angeles: DPA, September 2010).



## PART 3

# MORE POLICE ISN'T THE WAY TO MORE PUBLIC SAFETY

Despite decreases in crime, governments continue to spend more on law enforcement and militaristic policing strategies. Although police play a role in keeping communities safe, the increased presence of police means more opportunities to make arrests, especially arrests for drug offenses, which can lead to more incarceration and a host of negative outcomes for communities.

There is enough evidence to suggest that the number of police is not necessarily the key to keeping communities safe, but rather strategic, community-supported policing.

In addition, recent tight budgets, especially at the local level, have meant that localities have had to trim their police officers. In fact, the COPS office recently released a report that 2011 will be the first year in 25 years that there may be a decline in the number of police officers.<sup>76</sup> Fortunately, even with unemployment on the rise, which had been considered a driver of crime,<sup>77</sup> crime rates continue to drop. Since 1991, both violent and property crime rates have been falling; violent crime rates are down 43 percent since 1991 and property crime rates are down 41 percent.<sup>78</sup>

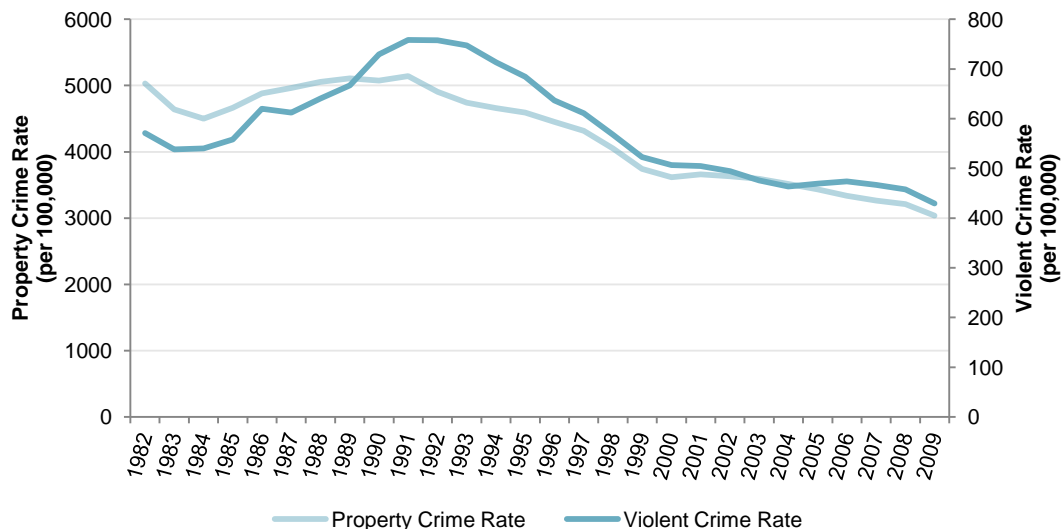
Although police and criminologists alike are baffled by the current continuation of falling crime rates in the U.S.,<sup>79</sup> this is an opportunity for governments to reexamine their continued investment in policing over other institutions, and take into account the lack of evidence that more police means safer communities.



In a 2002 poll, 71.1 percent of surveyed chiefs of police, sheriffs and prosecutors agreed that providing more educational and after-school programs would make the greatest impact in reducing youth crime and violence.<sup>1</sup> Only 14.9 percent said that hiring more police would have the greatest impact.

~ NATIONAL LAW ENFORCEMENT LEADERSHIP SURVEY, Fight Crime-Invest in Kids, August 2002, [www.fightcrime.org/reports/nationalkidspoll2002](http://www.fightcrime.org/reports/nationalkidspoll2002)

Since 1991 the violent and property crime rates have declined 43 and 41 percent respectively.



Source: Federal Bureau of Investigation, "Estimated Crime in the United States – Total 1982-2009," UCR Online Data Tool, accessed January 2012. [www.ucrdatatool.gov/Search/Crime/State/RunCrimeStatebyState.cfm](http://www.ucrdatatool.gov/Search/Crime/State/RunCrimeStatebyState.cfm)

## THE ROLE OF COPS GRANTS IN REDUCING CRIME IS QUESTIONABLE.

Outcomes from the Community Oriented Policing Services grants call into question the assumption that more expenditures on police are the best way of keeping communities safe. Poor results may be due to both the actual infusion of federal dollars into local police departments, as well as the effects of COPS tactics. The initial increase in police officers with the establishment of the COPS grants program was supposed to reduce the rising violent crime rate in the early 1990s. However, before the COPS grants were even distributed, the number of reported crimes had already started to fall, and with or without COPS grants, a number of states and localities saw their safety impacted during the hiring time.

As of 1994, the number of reported violent crimes had already started to fall, down 4.5 percent compared to the previous year.<sup>80</sup> COPS-funded police officers didn't hit the streets until 1995.

From 1995 to 2004, this decline in violent crimes continued for a total decrease of 24 percent. During this 10 year span of the COPS grants, \$10 billion dollars was spent on law enforcement,<sup>81</sup> and combined police forces increased by almost 90,000 officers.

From 1994-1998, Delaware received \$19.6 million in COPS grants. During this time period, the number of violent crimes

[A] strategy of throwing money at the crime problem, of simply hiring more police officers, does not seem to help reduce crime to a significant extent.

~ JOHN L. WORRALL AND TOMISLAV V. KOVANDZIC, "COPS Grants and Crime Revisited," *Criminology* 45, No. 1 (February 2007), pp. 159-190.

Any significant increase in crime should be cause for concern, but eliminating wasteful and ineffective grant programs will not cause crime to increase. Federal funding programs such as COPS have failed to achieve their intended purpose of aiding local law enforcement and reducing crime. Instead, research has shown that these programs have been misused and poorly administered, and state and local law enforcement have become dependent on these funds for their routine police activities.

~ DAVID B. MUHLHAUSEN AND ERICA LITTLE, *Federal Law Enforcement Grants and Crime Rates: No Connection Except for Waste and Abuse* (Washington, D.C.: The Heritage Foundation, 2007)  
[www.heritage.org/research/reports/2007/03/federal-law-enforcement-grants-and-crime-rates-no-connection-except-for-waste-and-abuse#\\_ftn30](http://www.heritage.org/research/reports/2007/03/federal-law-enforcement-grants-and-crime-rates-no-connection-except-for-waste-and-abuse#_ftn30)

increased 35.9 percent.<sup>82</sup> From 1995 to 1999, Oklahoma City, which did not receive any COPS grants, reduced its police force by 16 percent. Despite this decline in the number of police, the city also saw a dramatic 32.5 percent decrease in the number of violent crimes reported.<sup>83</sup>

Additionally, independent studies by government agencies and conservative organizations doubt the effectiveness of the COPS program in having a significant impact on crime.<sup>84</sup>

A study by the Heritage Foundation found that COPS grants designated for hiring more officers were not responsible for the reduction in violent crime rates at the county level from 1994 to 2000.<sup>85</sup> In other words, the money given to hire more officers was not the reason for the decline in violent crimes during this time period.

According to the FY 2007 U.S. Budget, "A 2002 Program Assessment Rating Tool (PART) assessment rated the COPS Hiring Grants as *Results Not Demonstrated* with respect to reducing crime.

Additionally, the program has already achieved its mandate, which was to help local police agencies to hire over 100,000

police officers. As a result, additional funding is unwarranted."<sup>86</sup>

According to the U.S. 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>87</sup>

In 2006, a Center for Data Analysis evaluation of COPS grants using data from 1990 to 1999 for 58 large cities found that the program had done little to reduce crime. For instance, the hiring grants did not have a statistically significant relationship with murder, rape, assault, burglary, larceny, or auto theft rates, although they were associated with negligible

"Better policing clearly plays a role in certain places, such as New York and Los Angeles, but cannot explain across-the-board crime declines because policing hasn't improved universally." Richard Rosenfeld, a past president of the American Society of Criminology and a professor at the University of Missouri-St. Louis. Miguel Llanos, "Crime in decline, but why? Low inflation among theories,"

~ MSNBC, September 20, 2011  
[www.msnbc.msn.com/id/44578241/ns/us\\_news-crime\\_and\\_courts/t/crime-decline-why-low-inflation-among-theories/#.TsJ\\_x1b6OHc](http://www.msnbc.msn.com/id/44578241/ns/us_news-crime_and_courts/t/crime-decline-why-low-inflation-among-theories/#.TsJ_x1b6OHc)

2007				
State	Police Spending Per Capita	Violent Crime Rate	Sworn Police Per Capita	Violent Crime Rate Per Police Spending Per Capita
New York	\$393	414.1	39	1.05
Nevada	\$385	750.6	19	1.95
California	\$381	522.6	19	1.37
New Jersey	\$353	329.3	32	0.93
Alaska	\$347	661.2	16	1.91
Delaware	\$346	689.2	18	1.99
Florida	\$345	722.6	23	2.09
Wyoming	\$335	239.3	27	0.71
Arizona	\$322	482.7	24	1.50
Maryland	\$317	641.9	24	2.02
<b>Total for the U.S.</b>	<b>\$279</b>	<b>466.9</b>	<b>23</b>	<b>1.67</b>
Oklahoma	\$200	499.6	22	2.50
Iowa	\$197	294.7	18	1.50
Mississippi	\$196	291.3	22	1.49
Maine	\$176	118.0	18	0.67
Indiana	\$175	333.6	19	1.91
South Dakota	\$171	169.2	18	0.99
Arkansas	\$169	529.4	21	3.13
North Dakota	\$166	142.4	18	0.86
West Virginia	\$148	275.2	17	1.86
Kentucky	\$148	295.0	18	1.99

**Note:** Per capita justice expenditure (fiscal year 2007) and full-time equivalent justice employment per 10,000 population (July 2007) of state and local governments by activity and state 2007; Violent crime rate per 100,000 population  
Source: Crime: FBI Uniform Crime Report, Crime in the United States, 2007; Per capita police and expenditure: Tracey Kyckelhahn, Justice Expenditure and Employment Extracts 2007, Table 8. (Washington, D.C.: Bureau of Justice Statistics, 2010).

reductions in robberies; a 1 percent increase in hiring grants was associated with a 0.01 percent decrease in robbery rates.<sup>88</sup>

## PLACES WITH FEWER POLICE MAY BE JUST AS OR MORE SAFE

States with fewer police do not necessarily have higher crime rates. Seventy-four percent of states with fewer police officers per capita than the national average have lower crime rates than the national average.<sup>89</sup> Similarly, states that spend less money per capita on police protection do not necessarily have

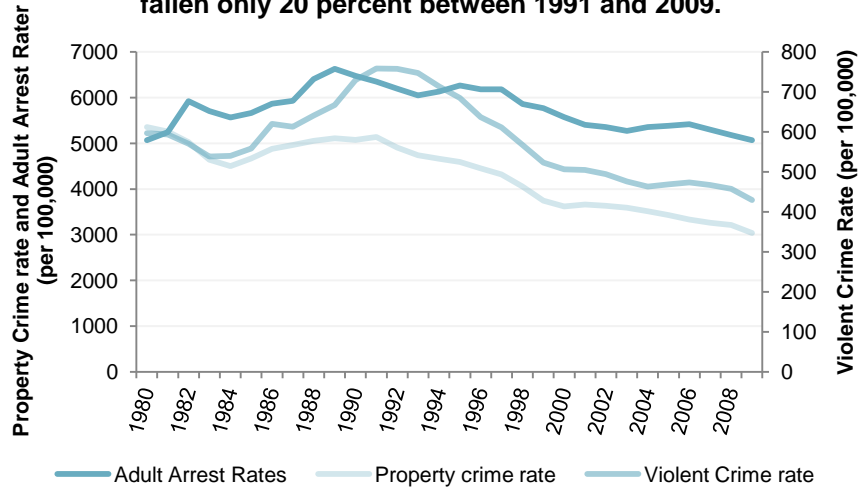
higher crime rates. Seventy-five percent of states that spend less than the national average have lower crime rates than the national average. Examining the 10 states that spend the most and the least on police shows that there is no relationship between spending more on police, having more police and a lower crime rate.

The concept that spending on policing and hiring more police is not the only answer to protecting public safety is being borne out at the local level. With local governments grappling with tight budgets, a number of localities have stopped hiring or even laid off

police officers, while still seeing drops in crime. Therefore, police funding or employment do not appear to be a significant factor in crime rates.

**San Francisco:** Due to budget cuts and a loss of grant money for certain drug enforcement operations, San Francisco has a smaller police force and allows less overtime. At the same time, the police department made 39 percent fewer drug arrests in 2010 than the previous year and is on track to decline another 25 percent in 2011. During this time, violent crime fell 3 percent and was expected to fall another 6 percent in 2011. According to San Francisco Sheriff Michael Hennessey, they have seen a de facto decriminalization of drug offenses and "...it

**Although violent and property crimes have fallen 43 percent and 41 percent, respectively, arrests have fallen only 20 percent between 1991 and 2009.**

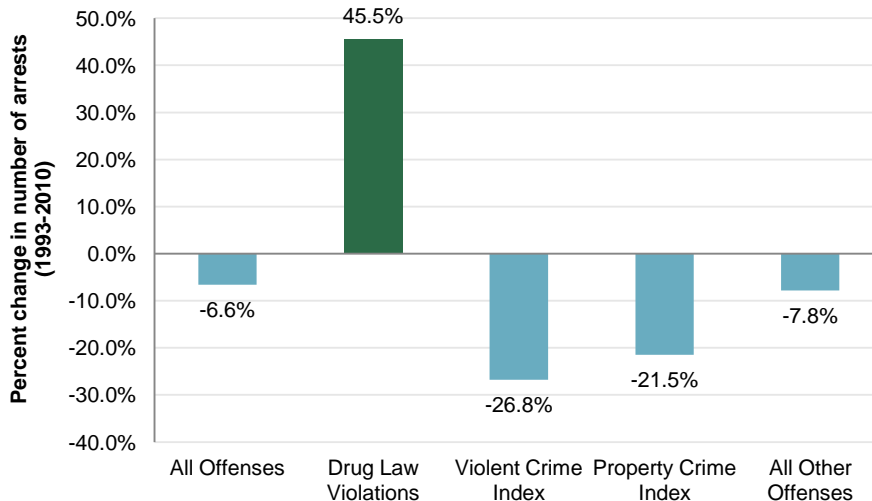


Source: Federal Bureau of Investigation, "Estimated Crime in the United States – Total 1982-2009," *UCR Online Data Tool*, accessed January 2012. [www.ucrdatatool.gov/Search/Crime/State/RunCrimeStatebyState.cfm](http://www.ucrdatatool.gov/Search/Crime/State/RunCrimeStatebyState.cfm); H. Snyder and J. Mulako-Wangota, "Arrest Data Analysis Tool" (Washington, D.C.: Bureau of Justice Statistics, October 31, 2011) [www.bjs.gov](http://www.bjs.gov)

does not appear that violent crime in San Francisco has risen, so it may say something about the necessity for the war on drugs."<sup>90</sup>

**Arizona:** Because of strict budgets, many police departments in Arizona were on a hiring freeze and losing sworn officers. The number of police officers fell 5.6 percent, or by about 900 officers from June 2008 to June 2011.<sup>91</sup> From 2008 to 2010, the number of reported violent crimes fell 10.2 percent and the number of property crimes fell 19 percent.<sup>92</sup> The violent crime rate fell 8.7 percent and the property crime rate

**The number of drug arrests increased 45 percent from 1993 to 2010 while property and violent arrests fell.**



Source: H. Snyder and J. Mulako-Wangota, "Arrest Data Analysis Tool" (Washington, D.C.: Bureau of Justice Statistics, October 31, 2011) [www.bjs.gov](http://www.bjs.gov)

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fell 17.6 percent during this time.

With crime decreasing even without police and communities struggling to maximize scarce federal dollars, now is an important time to invest in jobs that are not law enforcement-related. Building capacity and jobs in other areas will not carry with them the other negative effects of investing in police, which will be discussed in a subsequent section.

### WITH CRIME DOWN, POLICE FOCUS ON DRUG OFFENSES

Violent and property crime rates have fallen 43 percent and 41 percent since 1991, when the crime rate was at its highest in three decades, but arrests have not fallen at the same rate during the same period. Therefore, the police are making arrests for other types of offenses. In other words, while police do have a role in protecting communities from violent and property crime, those crimes are not currently driving arrest rates, calling into

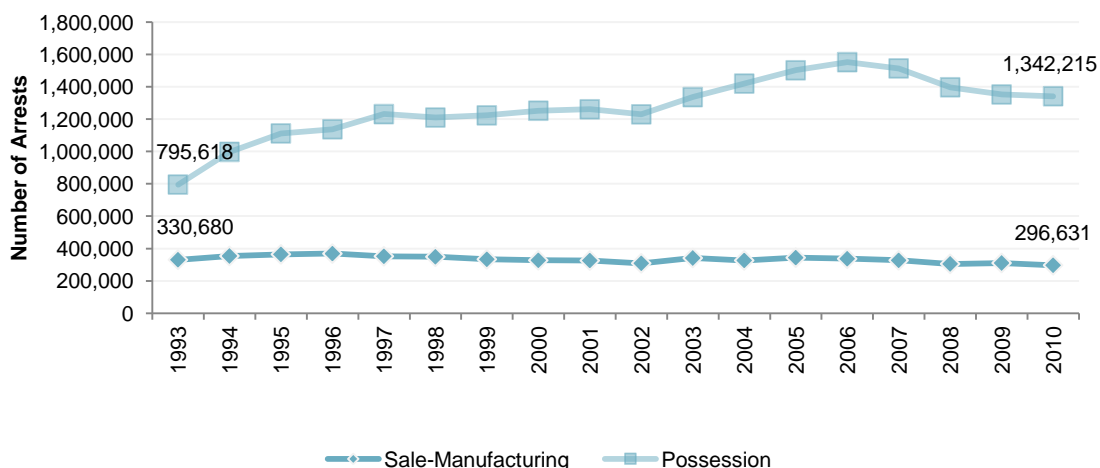
There's only so much time in the day, and the focus on drugs often comes at the expense of investigating violent crimes...

~ RADLEY BALKO, "Driven By Drug War Incentives, Cops Target Pot Smokers, Brush Off Victims Of Violent Crime," *Huffington Post* November 21, 2011.

question the need for continued expenditures on police.<sup>93</sup> For instance, according to the 2010 Uniform Crime Report, the percent of the estimated number of arrests for violent and property crimes were 4 and 13 percent of all arrests, respectively.<sup>94</sup>

One category that is driving the fairly constant arrest rate is drug offenses, especially possession of small amounts of drugs. Increased police forces and climbing drug arrests indicate that police are not dedicating the same amount of time to combat violent and property crime, but instead are focusing efforts on drug arrests. While drug misuse, addiction and sales can be concerning, arresting people for an addiction does nothing to address the underlying health problem and carries a host of consequences that affect people and their families. There are some

**U.S. arrests for drug possession increased 68 percent from 1993 to 2010, while arrests for sales and manufacturing decreased 10 percent.**



Source: H. Snyder and J. Mulako-Wangota, "Arrest Data Analysis Tool" (Washington, D.C.: Bureau of Justice Statistics, October 31, 2011) [www.bjs.gov](http://www.bjs.gov)

Bernard Harcourt and Jens Ludwig at the University of Chicago found just that when studying marijuana arrests in New York City: “we find no good evidence that the [marijuana possession violation] arrests are associated with reductions in serious violent or property crimes in the city. As a result New York City’s marijuana policing strategy seems likely to simply divert scarce police resources away from more effective approaches that research suggests is capable of reducing real crime.”<sup>1</sup>

~ Bernard E. Harcourt and Jens Ludwig, "Reefer Madness: Broken Windows Policing and Misdemeanor Marijuana Arrests in New York City, 1989-2000," *Criminology and Public Policy* 6, no. 1, pp. 165-182, 2007.

communities that continue to struggle with serious crime problems, and focusing on minor drug offenses serve only as a distraction to reducing offenses that cause more harm.



The number of drug possession arrests increased 68 percent from 1993 to 2010

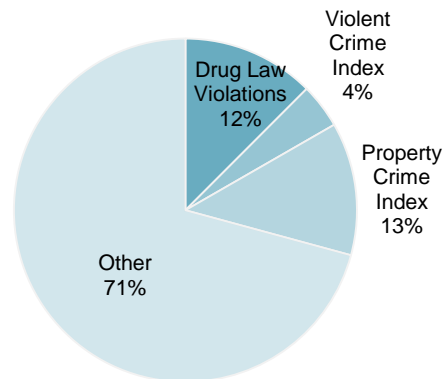
this was 11 times more marijuana arrests than in the previous decade, and 10 times more than in the decade before that.<sup>101</sup>

In 2010, police made more than 13 million arrests. The total number of arrests by law enforcement fell 6.6 percent from 1993 to 2010,<sup>95</sup> but the number of arrests for violent crimes fell 28 percent, while the number of arrests for drug offenses increased 45.5 percent. In 2009, about 12 percent of all arrests were for drug abuse violations, compared to 4 percent for violent offenses.<sup>96</sup>

- **California:** The Drug Policy Alliance reported that in 2008, police departments in California made more than 60,000 marijuana possession arrests, three times as many as in 1990.<sup>102</sup> In addition, a recent study by the Center for Juvenile and Criminal Justice found that 20,800

Police made 1,638,846 drug arrests in 2010,<sup>97</sup> with nearly half, over 750,000 (45.8 percent), for marijuana possession alone.<sup>98</sup> Drug possession—not sales or manufacturing—makes up 82 percent of all drug arrests—over 1.3 million arrests per year. The number of drug possession arrests increased 68 percent from 1993 to 2010.<sup>99</sup> Much of this increase in possession arrests are for possession of marijuana—up 49 percent from 1995 to 2010.<sup>100</sup> This phenomenon is seen both nationally and in various localities.

About 12 percent of all arrests in 2010 were for drug law violations.



- **New York City:** A study by Harry Levine at City University of New York found that from 1997 to 2006, the New

Note: Drug Law Violations includes sale-manufacturing and possession.  
 Source: H. Snyder and J. Mulako-Wangota, “Arrest Data Analysis Tool” (Washington, D.C.: Bureau of Justice Statistics, October 31, 2011) www.bjs.gov

Californians were arrested for misdemeanor possession of marijuana in 1990; this rose to 54,800 in 2010, a 163 percent increase. Meanwhile, arrests for possession of all other illicit drugs, as well as for felony drug manufacture and sale, declined sharply. In 1990, simple marijuana possession comprised 8 percent of all drug arrests; in 2010, it comprised 22 percent.<sup>103</sup>

This increase in arrests for drug abuse violations has not halted or changed the use of drugs either: the rate of current illicit drug use among persons aged 12 or older in 2007 (8 percent) has remained relatively stable since 2002.<sup>104</sup>

With the increasing numbers of police across the country since 1993, cities around the country have seen increases in arrests. But increasing arrests should not be used as a bottom line for whether police are doing their

When crime rates go up, the police say it is because they are encouraging more victims to come forward, “but when crime goes down, it’s the work of the police.”

~ ELI SILVERMAN, professor emeritus at John Jay College of Criminal Justice. (Richard A. Oppel, Jr., “Steady Decline in Major Crime Baffles Experts,” *The New York Times*, May 23, 2011.)

job effectively or communities are safer.

Unlike violent or property offenses, to which police must react, drug offenses are typically not reported by citizens. Because property and violent crime is down, there remain sizeable police forces to be kept busy, and significant budgets to be spent down. Police who are not reacting to violent or property crime instead engage in the proactive pursuit of people committing drug offenses.<sup>105</sup>

Because police must proactively look for people committing drug offenses and there is typically no real “victim” to make police accountable, they can also be selective about whom they are arresting.<sup>106</sup> In 2010, 22.6

### POLICE BREAK THE LAW IN ORDER TO MEET QUOTAS

In 2007 a detective of the New York Police Department’s drug unit was convicted of planting drugs on an innocent couple. Yvelisse DeLeon and her boyfriend, Juan Figueroa were out running errands before DeLeon attended a job interview later that evening. They were randomly stopped outside of their apartment by Detective Jason Arbeeney and another officer in civilian clothes. The officers demanded the couple get out of their vehicle and began to search the car. DeLeon testified that she watched as Detective Arbeeney pulled out a small bag of crack cocaine and placed the drugs in her vehicle. During the trial against Arbeeney various testimonies described how increasing quotas and pressure from the department leads to such corruption of these drug units. Detective Stephen Anderson testified during the trial and admitted to faking drug charges many times to meet department quotas. He also described the common practice within the department of “flaking”: when officers frame innocent people on drug busts. Supreme Court Justice Gustin Reichbach expressed his thoughts about the narcotics department stating, “(the) mindset in Narcotics seemingly embraces a cowboy culture where anything goes in the never-ending war on drugs.”

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J. Dwyer, “A Story of Drugs and the Police,” *New York Times*, October 18, 2011

[www.nytimes.com/2011/10/19/nyregion/witness-narrates-frame-up-in-police-corruption-trial.html](http://www.nytimes.com/2011/10/19/nyregion/witness-narrates-frame-up-in-police-corruption-trial.html)

J. Marzulli, R. Parascandola and L. Mcshane, “Cops made money by fabricating drug charges against innocent people, Stephen Anderson testifies,” *NY Daily News*, October 14, 2011. [www.nydailynews.com/news/crime/cops-made-money-fabricating-drug-charges-innocent-people-stephen-anderson-testifies-article-1.960515](http://www.nydailynews.com/news/crime/cops-made-money-fabricating-drug-charges-innocent-people-stephen-anderson-testifies-article-1.960515)

O. Yaniv, “Brooklyn judge ‘shocked’ by ‘cowboy culture’ of narcotics cops,” *NY Daily News*, November 1, 2011. [www.nydailynews.com/news/crime/brooklyn-judge-hocked-cowboy-culture-narcotics-cops-article-1.970874](http://www.nydailynews.com/news/crime/brooklyn-judge-hocked-cowboy-culture-narcotics-cops-article-1.970874)



million people reported using illicit substances<sup>107</sup> in the last month, meaning that every single one of them could be potentially arrested, but only 7.3 percent typically are.<sup>108</sup> Experts agree that we can't simply arrest our way out of the problem despite continued investments in funding streams, like Byrne JAG and COPS, which only serve to put more police on the ground. Streaming funds to increased force size and policing efforts only incentivizes low level drug arrests to help increase police arrest numbers, which are inaccurately related to public safety.

With an emphasis on number of arrests rather than type or quality of arrest,<sup>109</sup> it may be

easier for police and multi-jurisdictional task forces to increase their numbers by focusing on the low hanging fruit—the people in possession of a small amount of drugs. As Harry Levine determined in his study about marijuana arrests in New York City, some police agencies conduct performance reviews of individual officers based on the number of arrests. Regardless of whether this is a de facto quota, police officers clearly have an incentive to make as many arrests as possible.<sup>110</sup> Drug offenses, particularly marijuana possession, are typically seen as “safe” with little risk of injury to officers.<sup>111</sup>

## PART 4

# SOME TYPES OF POLICING CAN LEAD TO MORE CRIME AND DISTRUST OF POLICE

Researchers Dina Rose and Todd Clear have found that concentrated patterns of arrest and incarceration can backfire, resulting in more crime rather than less.

In communities where large numbers of people are sent to prison for often low-level or non-serious offenses, incarceration disrupts the social networks that provide informal social control. It removes the benefits these community members normally provide that are unrelated to their criminal behavior, including personal and economic support for their family members and positive association with their neighbors.<sup>112</sup> In addition, practices that target specific communities for arrest can breed feelings of distrust in police, making people less likely to report crimes in their communities.

## MILITARIZATION OF POLICE DAMAGES COMMUNITIES AND LIVES, WITHOUT IMPROVING PUBLIC SAFETY

The advent of special police over the last 60 years has led to a greater emphasis on policing by force in America. Specialized task forces represent a growing endorsement of a largely punitive approach to dealing with

social problems. As long as we continue to rely on incarceration in lieu of the preventive measures that have been proven to most efficiently deal with public safety concerns we will see increases in police budgets and the number of people behind bars. The following are examples of special police forces that have been developed to deal with a variety of issues ranging from drugs to immigration.

### Drug Task Forces

Drug task forces were developed to increase coordination among federal, state, and local law enforcement efforts to curb drug crimes. The task forces' foci include: educating youth on the dangers of drugs, reducing drug-related crimes, disrupting drug trafficking, and arresting and prosecuting those who traffic, deal, or use drugs.<sup>113</sup> The intended benefit of creating a drug task force is to increase efficiency in closing drug cases, increase forfeiture revenues and *increase drug related arrests*.<sup>114</sup> In theory, coordinated law enforcement efforts overcome jurisdictional limits and result in increased enforcement success through shared communication and responsibilities.<sup>115</sup>

Drug task force funds largely come from federal grants, but a significant portion is also acquired through drug fines and forfeiture of drug-related assets.<sup>116</sup> For instance, a portion of state and local task force budgets comes from existing legal procedures that allow drug task forces to seize anything that is considered connected to drug money – such as homes, cars and personal financial assets. The Comprehensive Crime Control Act of 1984 and the Anti-Drug Abuse Act of 1986 created new forfeiture laws, which drug task forces can technically use to fund their operations.<sup>117</sup> State laws authorize drug task forces to turn any forfeiture contrabands into money for purchasing new police cars, equipment, and buildings, which allows for an element of self-sufficiency – and less accountability to state and local elected officials and the public.<sup>118</sup>

These forfeiture privileges may give incentives for law enforcement to increase raids and conduct illegal or improper forfeiture of assets falsely believed to be drug related.<sup>119</sup> The increased attractiveness of asset forfeiture could lead to abuses that wrongly penalize and destroy the lives of innocent people and their families.<sup>120</sup>

Although proponents believe task forces to be beneficial in combating drug crime, research has shown them to be no more productive than general policing efforts.<sup>121</sup> In addition to limited research outcomes regarding the effectiveness of drug task forces, scandals and situations of abuse have increased concerns about their effectiveness and illuminated concerns about funding the Edward Byrne

## A BRIEF HISTORY OF LAW ENFORCEMENT AND DRUG TASK FORCE POLICY

The 1914 Harrison Act – focusing on prohibition – was the first national drug policy that emphasized law enforcement. President Nixon declared a “war on drugs” in 1971 and through the 1980’s President Reagan further intensified the drug war, leading to the interdiction of drugs becoming the U.S. “top national security priority” in the 1990s.

The complications of cross-jurisdiction drug crimes and drug markets demonstrated the limitations in single-agency enforcement efforts, and as a result, in 1970 a pilot task force was created in New York City by the Bureau of Narcotics and Dangerous Drugs (BNDD). This task force was comprised of investigators from major state and local law enforcement agencies along with BNDD personnel. Recognizing the need for state and local drug enforcement cooperation, the U.S. Drug Enforcement Administration (BNDD’s successor) initiated State and Local Task Force programs in 1973 based on the perceived success of New York City’s pilot program. In 2009, the DEA State and Local Task Force Program managed 381 state and local task forces. However, states and localities have the ability to create their own ad hoc drug task forces as well.

### Sources:

Gabriel G. Cardenas, “An Assessment of the Multijurisdictional Drug Task Forces in Texas: A Case Study,” Texas State University, February 1, 2002. <http://ecommons.txstate.edu/cgi/viewcontent.cgi?article=1051&context=arp>, p. 9.

Brad W. Smith, Kenneth J. Novak, and James Frank, “Multijurisdictional Drug Task Forces: An Analysis of Impacts,” *Journal of Criminal Justice* 28, no. 6 (2000), p. 543.

U.S. Drug Enforcement Administration, “State & Local Task Forces.” [www.justice.gov/dea/programs/taskforces.htm](http://www.justice.gov/dea/programs/taskforces.htm)

JAG program. Several groups, such as the ACLU, the American Conservative Union, Citizens Against Government Waste, and other tax-watch and civil libertarian groups have pointed to dozens of major drug task force scandals, calling for Congress to eliminate funding for the JAG program.<sup>122</sup>

Drug task forces have also been involved in operations that have a concentrated impact on communities of color.

**Tulia, Texas:** In the summer of 1999, the small town of Tulia, Texas was the site of what would become an internationally famous miscarriage of justice. That summer, Swisher County sheriff’s deputies, with the assistance of federal funding for a drug task force,

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targeted the town's African American community. Out of the 46 people arrested as cocaine dealers, 39 of those arrested were African American. Tulia's population is about 5,000, of which about 250 residents are black; about 17 percent of the African American population was arrested that day, with cameras recording the debacle. All-white juries convicted 38 of those arrested based on weak evidence, including the uncorroborated testimony of the lone undercover agent, Tom Coleman, who was later convicted of perjury in 2005. Those convicted by plea or jury were all given harsh sentences, ranging from 20 to 341 years in prison, even though the arrests had turned up no cocaine, no drug paraphernalia, no weapons, no money, and no other signs of drug dealing.<sup>123</sup> Texas Gov. Rick Perry pardoned 35 of those convicted in 2003, and a year later, five years after the incident in Tulia, those who were arrested by the drug task force received a \$5 million settlement in their civil suit. The federally financed 26-county narcotics task force responsible for the arrests was disbanded.<sup>124</sup>

**Mississippi, Operation Heat Stroke:** In July 2011, a two-day law enforcement detail dubbed "Operation Heat Stroke" and consisting of 15 agencies, netted 15 felony arrests as well as 55 misdemeanor offenses and 127 traffic citations.<sup>125</sup> The majority of arrests were for minor offenses such as possession of illicit drugs, driving without a seat belt, public drunkenness and delinquency. The task force focused mainly on the primarily African American community of Moss Point, where residents lived in fear of being stopped by one of the random sweeps. According to a report by the ACLU of Mississippi and Justice Strategies, "Such hyper-aggressive drug enforcement tactics and community-wide dragnets... bring massive upheaval to afflicted communities—

as evidenced by the experiences of Moss Point residents."<sup>126</sup>

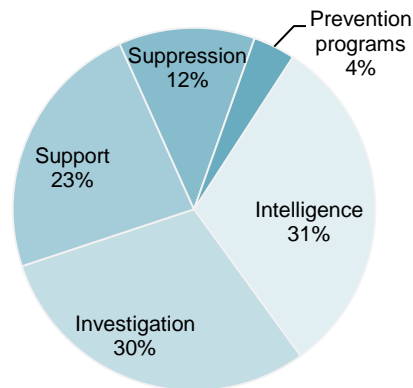
### **Gang Task Forces (Gang Units)**

Specialized gang task forces have existed since the 1960s; however, these units became more prevalent in the 1990s due to political commitments to be tough on crime. In 1992, the FBI launched the Safe Streets Violent Crime Initiative creating the Violent Gang Safe Streets Task Force – a series of long-term, "proactive" task forces to address the criminal activity that is often associated with violent street gangs and apprehend violent fugitives. By 2007, 365 law enforcement agencies with 100 or more sworn officers maintained a special gang unit, and employed over 4,000 officers nationwide for this purpose.<sup>127</sup>

Gang units get the majority of their funding from discretionary state and federal grants. For instance, the Office of Juvenile Justice and Delinquency Prevention provides awards of up to \$750,000 to state and local governments, school districts, and public and private educational institutions for youth gang prevention.<sup>128</sup> In 2007, the Catalog of Federal Domestic Assistance reported that states received \$49 million in federal grants for anti-gang measures.<sup>129</sup> Maintaining a gang task force is often very costly and as a result units all around the country have been downsized or disbanded due to budgetary pressures. For example, California budget cuts resulted in a more than 50 percent reduction in gang monitoring funds which is expected to save California about \$6 million.<sup>130</sup>

Research has found no relationship between the formation of gang units and "the size of a community gang or crime problem;" instead, gang units were most likely to be formed in cities with larger Hispanic populations and where communities felt threatened by minority groups.<sup>131</sup> A 1987 study examining

**Law enforcement only spend 4 percent of time on gang prevention efforts.**



Source: *Bureau of Justice Statistics*, Table 5. Law enforcement functions performed by gang units, by percent of time spent and average ranking, 2007

the police response to gangs in Phoenix, Arizona found that Phoenix did not have a serious gang problem, but that law enforcement officers overstated the gang problem in an effort to campaign for federal grant dollars. The police department used the media to construct a social image of crime-prone “Chicano youths” as dangerous threats to the safety of the white community and warned that the gang problem would escalate if the police did not respond.<sup>132</sup>

Similar to Phoenix, San Diego’s efforts to fight gang activity illustrate the misinformation and racial biases that are often associated with the creation of gang units. In 1998, Jurisdictions United for Drug Gang Enforcement (JUDGE) was created to tackle gang activity in San Diego County, California. To justify this program, law enforcement officers reported that there were over 2,000 gang members operating in the area and creating a “wave of violence” that included “several drive-by shootings and homicides.” Since police investigations found that gang activity was linked to drugs, JUDGE began targeting youth with past drug offenses and

defined gang members so broadly that anyone could be classified as such for his or her associations. Relying on racial presumptions, 97 percent of those targeted by JUDGE were black or Hispanic.<sup>133</sup> This level of racial disparity shows that police gang units represent a new form of concentrated social control that is often directed at young males of color.<sup>134</sup>

Prevention programs that include counseling geared towards at-risk youth and community education and awareness are more cost-effective and efficient than traditional incarceration.<sup>135</sup>

However, the 2007 Census of Law Enforcement Gang Units has reported that only 4 percent of specialized gang units spend the majority of their time on preventive measures, whereas over 60 percent of gang units spent the greatest percentage of time on monitoring and investigation of gang graffiti and confirmed and suspected gang members.<sup>136</sup> When more emphasis is placed on monitoring and targeting gang units than prevention efforts, the only result is increased police contact, arrests and ultimately incarceration.

### **Special Weapons and Tactics (S.W.A.T.)**

The Los Angeles Police Department formed the first S.W.A.T. team in 1966 to counter sniper attacks and manage large, volatile crowds associated with the LA-Watts riots.<sup>137</sup> S.W.A.T. teams now mainly serve drug warrants. For instance, S.W.A.T. deployments in the U.S. have risen from 3,000 per year in the early 1980’s to 50,000 per year by the mid 2000’s, mostly in the form of drug raids.<sup>138</sup>

The proliferation and overuse of S.W.A.T. teams is above all a result of federal policies hastened by “the war on drugs” that has

taken on a decidedly militarized approach.<sup>139</sup> The 1981 Military Cooperation with Law Enforcement



Act and the 1984 National Defense Authorization Act provided police departments with military weapons and technologies to aid in fighting a domestic war on drugs.<sup>140</sup> Following suit, in 1995 the Department of Defense and its private industries entered a partnership of shared technology and development efforts with the Department of Justice.<sup>141</sup>

Given easy access to military equipment, federal funding, and asset forfeiture reinvestments, it's not surprising that police departments have developed a reliance on paramilitary S.W.A.T. units to storm homes. And tragic accidents are not uncommon. The high level of force involved in S.W.A.T. raids greatly exceeds the severity of many of the warrants being served. For instance, based on lawsuits filed against police departments, in the last 25 years S.W.A.T. raids have led to the

S.W.A.T. deployments in the U.S. have risen from 3,000 per year in the early 1980's to 50,000 per year by the mid 2000's.

deaths of 46 people who had committed no crime at all and another 25 deaths involving a nonviolent offense, such as gambling or minor drug possession.<sup>142</sup> In addition, there have been nearly 200 wrong-door raids in the last 15 years resulting in injuries, the killing of pets and wrongful detainment.<sup>143</sup>

With the high cost of maintaining a S.W.A.T. team, the prevalence of tragic accidents associated with raids, and the civil concerns of a militarized police force making low-level drug seizures, S.W.A.T. raids have been shown ineffective in increasing public safety. In fact, with the number of raids which have resulted in injuries, deaths of people and/or pets, or were served on the wrong address, the over-use of S.W.A.T. may in fact decrease positive police-community relations, cost departments thousands of dollars, and reinforce the misguided police-by-force structure prevalent in the United States.

### **POLICE USE OF FORCE KILLS TWO DOGS IN IMPROPER RAID IN MARYLAND.**

On July 29, 2008, a police S.W.A.T. team raided the home of Berwyn Heights, Maryland Mayor Cheye Calvo, shooting and killing his two Labrador Retrievers. "I heard a loud crash and then 'bang, bang, bang,'" recalled Calvo. Police stormed the house after a package containing 32 pounds of marijuana was delivered to the residence. The county police and sheriff who conducted the raid had failed to contact the Berwyn Heights Police Department prior to the incident and later acknowledged that neither Calvo nor his family knew about the package or the suspected drug trade.

Sources: Aaron C. Davis, "Police Raid Berwyn Heights Mayor's Home, Kill His 2 Dogs," *Washington Post* July 31, 2008. [www.washingtonpost.com/wp-dyn/content/article/2008/07/30/AR2008073003299.html?sid=ST2010091302597](http://www.washingtonpost.com/wp-dyn/content/article/2008/07/30/AR2008073003299.html?sid=ST2010091302597)  
Ruben Castaneda, "Prince George's settles suit by Berwyn Heights mayor over storming of home," *Washington Post* January 24, 2011. [www.washingtonpost.com/wp-dyn/content/story/2010/09/13/ST2010091302597.html](http://www.washingtonpost.com/wp-dyn/content/story/2010/09/13/ST2010091302597.html)

### **Immigration Enforcement**

In many jurisdictions, local police are being pressured to take significantly larger roles in immigration enforcement and policy, which has traditionally been a federal government responsibility.<sup>144</sup> In 2002, the U.S. Congress added the "Delegation of Immigration Authority,"

commonly referred to as 287(g) to the Immigration and Naturalization Act, or “Secure Communities.” This section says that the Immigration and Customs Enforcement (ICE) agency has the authority to deputize local law enforcement officers as federal immigration cops and train them as such. In effect, this means that local law enforcement can arrest and detain people suspected of being in the country illegally who have not otherwise broken the law.<sup>145</sup> This policy not only leads to more people being arrested and detained for immigration violations, but also takes away resources for more serious public safety challenges.

While jurisdictions across the country are accessing this ICE training under 287(g), the most notorious location is in Maricopa County, Arizona, where the self-proclaimed “America’s Toughest Sheriff,” Joe Arpaio, took it upon himself to implement militaristic tactics in enforcing immigration laws, in addition to workplace immigration raids and crime suppression sweeps (i.e., traffic checkpoints) that have resulted in thousands of arrests of undocumented immigrants. Since 2007, Maricopa County was responsible for the deportations or forced departures of 26,146 immigrants through its 287(g) program, accounting for nearly one-fourth of the nationwide total of 115,841 such deportations in that time period.<sup>146</sup> While ICE removed Maricopa County’s ability to arrest people for immigration violations while on patrol in October 2009, with the 2010 passage of SB1070, which requires police to ask for papers from anyone they suspect is in the country illegally, police may continue to act as federal border patrol agents. Thus they are again focused on arresting people for immigration violations, rather than other crimes. According to the Goldwater Institute, “[Maricopa County Sheriff’s Office’s immigration enforcement] has diverted

resources away from basic law-enforcement functions to highly publicized immigration sweeps, which are ineffective in policing illegal immigration and in reducing crime generally....”<sup>147</sup>

Most professional law enforcement leaders around country are fairly united in their concerns about the impact that making immigration enforcement the primary function of local policing would have on resources, our ability to fight crime and our ability to work with various communities that may have significant representation of immigrants whether here with or without authority. Most major law enforcement around the country have spoken very clearly in opposition of having local police enforce immigration laws.

~ POLICE CHIEF GEORGE GASCÓN, SAN FRANCISCO POLICE DEPARTMENT (Alia Beard Rau, “Arizona Immigration Bill: police chiefs criticize measure,” *The Arizona Republic*, April 21, 2010 )

### **Advances in Technology has made many feel they are more “watched” than protected by the police.**

Over the years technology has often been used to enhance the police’s ability to investigate, solve and combat crimes. As technology and policing practices continue to advance, the use of technology surveillance may lead to a new form of technology-based special policing. Increased police surveillance will likely mean more police contact and ultimately more arrests, likely falling harder on some communities. The following are two areas of police surveillance that are seeing greater use in cities across the U.S. and may very well shape the future of policing communities:

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### Surveillance Cameras:

Public surveillance camera systems are generally made up of a network of cameras linked to a closed circuit television to allow recording and monitoring. Newer camera monitoring systems often include wireless capabilities that allow monitoring from offsite locations and the ability to actively pan, tilt and zoom the camera. More sophisticated systems can incorporate motion detectors and audio equipment to record sound or detect gunshots.<sup>148</sup>

According to a recent Urban Institute study comparing the use of camera surveillance in Chicago, Baltimore and Washington D.C. the types and use of camera surveillance tends to vary greatly by city.<sup>149</sup> For instance, Chicago has approximately 8,000 cameras in use, including police, transit and public school cameras.<sup>150</sup> The camera system is actively monitored and used proactively during law enforcement. Chicago's system is on a wireless network allowing officers the ability to even monitor cameras from their desks. Comparatively, Washington D.C. only has 73 active cameras which are primarily used for investigative purposes.<sup>151</sup> During the installation of the camera network, D.C. policymakers, largely concerned with privacy rights, established regulations that strictly limit the extent of active monitoring.

### Aerial Drones:

Unmanned aerial surveillance drones were originally developed for military use. Surveillance drones can be equipped with

powerful, high-resolution, infrared and thermal-imaging cameras that can allow police to monitor and record public activities largely undetected.

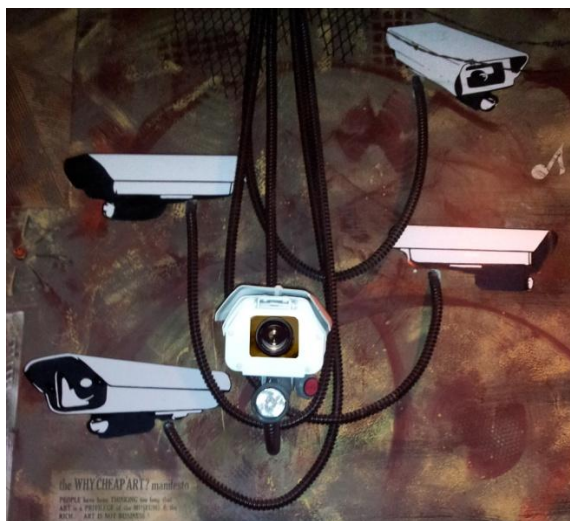
In 2009, the Austin, Texas Police department was the first to use an aerial drone for domestic police functions - surveying a suspect's home during a SWAT drug raid.<sup>152</sup> Since then, the Texas Department of Public Safety has used drones in six operations involving drug and human trafficking. Police Departments in Queen Anne's County, MD,

Miami-Dade County, FL, and Mesa County, CO have adopted pilot programs testing the use of aerial drones.<sup>153</sup> With the likely increased use of aerial drones concerns have been raised as to their safety. According to military studies, unmanned drones have a higher accident rate than manned aircrafts—even outside of combat areas.<sup>154</sup>

Nonetheless, the Federal Aviation Administration (FAA) is considering authorizing the use of unmanned surveillance drones for police departments across the U.S. by 2013.<sup>155</sup>

### Motor Vehicle Violation Cameras

In an effort to reduce costs, many police departments are using automated red-light and speed cameras to cut down on the number of officers assigned to patrol streets. People whom the cameras "catch" are generally sent a ticket in the mail, and will be held responsible for paying fines without any legally admissible confirmation that the individual has received a ticket.<sup>156</sup> These cameras are often owned by third-party operators; these for-profit companies share





ticket revenue with the municipality with which they contract.<sup>157</sup> Therefore, there is little incentive to ensure these intersections do not reduce yellow light time spans to issue additional citations (a proven method of increasing intersection safety), and little accountability by police departments if they aren't.<sup>158</sup>

While these cameras may save (or even make) money for police departments, they breed ill-will toward law enforcement among the many who have received a ticket in the mail.<sup>159</sup> Fighting a ticket that is believed to be in error due to faulty equipment is costly and time consuming, particularly to working people who may not have paid time off to go to court (in some states, multiple hearings are required), and if the ticketed individual is determined to be liable for the infraction,

court costs increase the total fine.<sup>160</sup> Refusal to pay what a person considers an unjust ticket in some places can lead to punitive retribution<sup>161</sup>, and failure to respond to the citation can result in arrest. Even when a person acknowledges they either “slid through” a red light or exceeded the speed limit, they may have believed the reason was justifiable – taking someone to the hospital, for instance. In a face-to-face traffic stop, the police officer may have agreed that this was an appropriate time to bend the rules or may even have helped the person, for instance by providing a police escort. Instead, many people who have had limited contact with law enforcement now have a “bad taste in their mouth,” which might make them less likely to cooperate in other areas of policing, like investigating a more serious crime.

## PART 5

# THE NEGATIVE EFFECTS OF CURRENT POLICING STRATEGIES OUTWEIGH THE PUBLIC SAFETY BENEFITS

Continued expenditures on police and punitive policing have negative effects on communities, contributing to the number of people in prison and jail, causing distrust for the police, and even undermining public safety.

While police may say they are “only doing their job” in enforcing the laws that others make, the negative consequences of much of the policing and arrests that occur, particularly for low level drug offenses, outweigh potential benefits, especially given current low crime rates. Incarceration, either in jail following an arrest or in prison following a conviction, has been found to cost taxpayers billions and disproportionately harm communities of color, and yet fails to keep communities safe.<sup>162</sup> Furthermore, by using law enforcement as a job-generating initiative, localities are only raising other costs associated with arrests and incarceration.

## ARRESTS LEAD TO JUSTICE INVOLVEMENT WHICH HAS SIGNIFICANT NEGATIVE CONSEQUENCES

Policymakers are in charge of deciding sentences for offenses, which are meted out by

judges, but police are in charge of finding and arresting people who have committed an offense. It follows that with more arrests comes more incarceration. The number of people in prisons and jails in the U.S. increased 271 percent from 1982 to 2010, reaching nearly 2.3 million people in 2010.<sup>163</sup> The incarceration rate has increased 178 percent from 263 per 100,000 in 1982<sup>164</sup> to 731 per 100,000 in 2010.<sup>165</sup>

Arrests for minor offenses, including drug offenses, are particularly concerning given the negative effects of putting a person in contact with the justice system. Just as the number of arrests for drug offenses has increased, the largest area of growth in the prison population is people incarcerated for drug offenses—up 20 percent from 1990 to 2000 alone;<sup>166</sup> 28 percent of all people entering state prisons in 2008 were convicted of a drug offense.<sup>167</sup> In 2008, about 18 percent of people in state prisons and 51 percent of people in federal prisons had drug offenses as their most serious charge.<sup>168</sup>

The crime decline of 2008 to 2010 comes at a really inconvenient time for the conventional wisdom, in two respects. One, the economy is going to hell, and two, this is the first time in forty years that we are not removing more prisoners from the streets than we're sending back.

~ FRANKLIN ZIMRING,  
CRIMINOLOGIST AT U.C.-BERKELEY  
(James Verini, "Is There an "Obama Effect" on Crime?" Slate, October 5, 2011.)

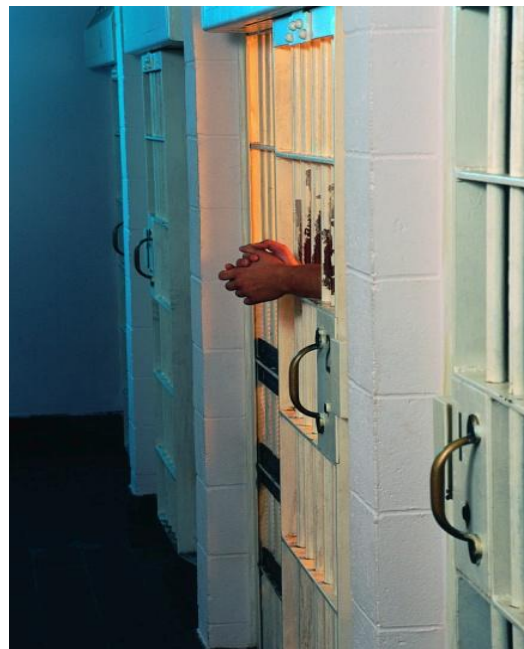
While arrests start a person on a criminal justice track, the penalties have become more punitive, to include mandatory sentences, which cause people to spend years—and even decades—behind bars for minor offenses, like possession of a small amount of drugs. These policies are costing us billions of dollars every year—corrections spending reached \$74 billion in 2007 – disrupting lives and communities, and creating a lifetime of barriers to education, jobs, and housing.<sup>169</sup>

Broader systemic reforms are necessary to make sentences less punitive and reverse the criminalization of a myriad of minor behavioral infractions deemed undesirable by lawmakers; however, in the meantime, police can stop feeding this system by not pulling people who pose little risk to public safety into it unnecessarily.

### **Jail has negative effects for people, families, and communities**

After a person is arrested, they may spend time in jail, which is a detention facility for people pre-trial and for those serving short sentences, usually run by a city or county. Conversely, prisons are run by states and are for people who have been sentenced to serve a year or more. Jails have a harmful effect on

many aspects of people's lives including their physical and mental health, employment, recovery from addiction, family life and relationships with their community. This is especially worrisome since the majority of people in jails experience symptoms of mental illness and many also struggle with substance abuse. Poor treatment of disease<sup>170</sup> in jails exacerbates the problem and spreads diseases through the community.<sup>171</sup> The constant flow of people through a jail makes it much more likely that a person would contract HIV/AIDS,<sup>172</sup> tuberculosis<sup>173</sup> and staph infections.<sup>174</sup> Incarceration tends to further harm people with mental illness<sup>175</sup>, and often it is behavior related to the person's mental illness that puts them in jail in the first place.<sup>176</sup> Jails are associated with high rates of untreated depression,<sup>177</sup> which leads to high rates of suicide.<sup>178</sup> Once a person with a mental illness is released from jail, there is often no effort to facilitate the treatment of the illness, including reinstatement of benefits lost while behind bars.<sup>179</sup> The jail system is also ill-equipped to help people who have a drug addiction, especially people who also have a mental health problem.<sup>180</sup>



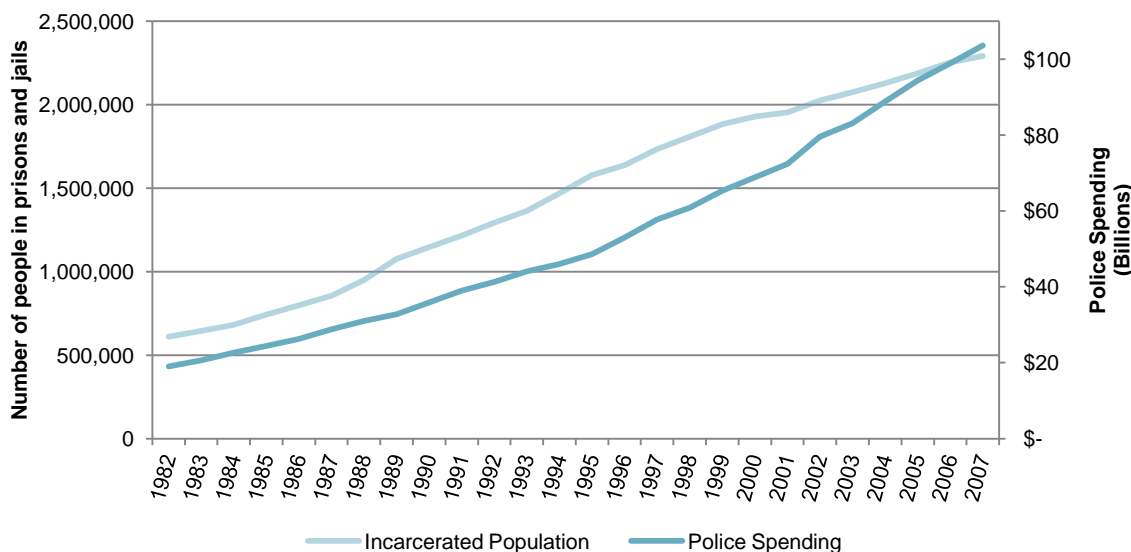
Beyond physical and mental well-being, jail also negatively impacts a person’s earning potential,<sup>181</sup> educational<sup>182</sup> and employment prospects, even 15 years after release from jail.<sup>183</sup> It also negatively impacts families. The California Research Bureau estimates that approximately 97,000 children have parents in jail.<sup>184</sup> When the person going to jail is a woman, the father is often unlikely able to maintain custody of the child, which can result in the child being displaced;<sup>185</sup> while the child may stay with relatives, many are sent to foster care. Having a family member in jail puts immense levels of stress on the family as a whole, which can further contribute to overall declines in both mental and physical health.<sup>186</sup> Jails can affect a person’s relationship with his/her community as well, especially through a person’s ability to secure housing upon release. In one Baltimore survey, 63 percent of people surveyed had owned or rented a home prior to incarceration, but only 29 percent owned or rented a home after release.<sup>187</sup> Jails also offer

few services which would help a person reenter society when released.

### Youth are pulled into the justice system by police in schools.

A recent report from the journal *Pediatrics* finds that nearly one in three youth will have been arrested by the time they turn 23.<sup>188</sup> One contributing factor to the common occurrence of youth arrests is police and arrests in schools. The presence of police in schools, including school resource officers (SROs), has contributed to the number of youth that come into contact with the juvenile justice system. Fueled by increasingly harsh approaches to student behavior such as “zero tolerance policies,” the past 20 years have seen an expansion in the presence of law enforcement in schools. According to the U.S. Department of Justice, the number of SROs increased 38 percent between 1997 and 2007,<sup>189</sup> supported in part by approximately \$400 million in federal funds since 2000.<sup>190</sup> Some cities, like New York City, employ more officers in

**As spending on police increased 445 percent, the number of people in prisons and jails increased 275 percent from 1982 to 2007.**



Sources: **Prison and jails:** Bureau of Justice Statistics, “Correctional Populations,” Accessed January 2012. <http://bjs.ojp.usdoj.gov/content/glance/tables/corr2tab.cfm>; **Police Spending:** Includes State, Federal and Local expenditures. Tracey Kyckelhahn, *Justice Expenditure and Employment Extracts 2007* (Washington, D.C.: Bureau of Justice Statistics, 2010)

schools than many small cities' entire police force.<sup>191</sup>

With this rapid increase in the presence of law enforcement, including SROs, in schools, districts from around the country have found that youth are being referred to the justice system at increased rates<sup>192</sup> and for minor offenses like disorderly conduct.<sup>193</sup> Researchers from the University of Maryland and the University of Massachusetts recently found that in four of the five states included in a study about referrals to the juvenile justice system, schools made up a greater proportion of all referrals to juvenile courts in 2004 than in 1995.<sup>194</sup> At the same time, although always relatively rare, incidents of student reported theft and violence are at the lowest rates since 1992.<sup>195</sup>

### **Incarceration is an expensive side-effect of arrests.**

Funding for police has also risen in tandem with the increase in the number of people in prison. From 1982 to 2007, the amount of

money spent on policing in the U.S. increased by 445 percent, reaching \$104 billion in 2007.<sup>196</sup> At the same time, the number of people incarcerated in prisons and jails increased dramatically, reaching 2.3 million people in 2007—a 275 percent increase since 1982.<sup>197</sup>

A study by the Justice Policy Institute found that, controlling for crime rates, poverty, unemployment and other factors, counties that spend more on policing and the justice system imprison people for drug offenses at higher rates than counties that spend less on law enforcement.<sup>198</sup> This suggests that there is a point of diminishing public safety returns for additional police; that is, they need to arrest people for less serious crimes in order to keep busy, and justify budget requests. A decrease or redirection of funding away from policing and into social services could decrease the negative effects of arrests and incarceration and create safer communities in the long term.

### **YOUTH JUSTICE COALITION: LOS ANGELES SPENDS TOO MUCH ON POLICE**

According to a report by the Youth Justice Coalition, a nonprofit organization working to build a youth-led movement to challenge race, gender and class inequality in the Los Angeles County juvenile *injustice* system, over-spending on police is not making communities safer and has a negative impact on youth. Los Angeles County alone spends \$3.77 billion on police, employing 26,861 sworn police officers over 57 law enforcement agencies. The Los Angeles Police Department (LAPD) makes up about a third of this spending, at \$1.17 billion. More than half of Los Angeles city's unrestricted funds go to the LAPD, and the LAPD makes up about 42 percent of the total city's workforce. "Under the unexamined claim that LA is under-policed the budgets for police continue to grow while health clinics, libraries, social service programs, job training, placement and job development programs, parks and community centers are consistently cut."

For more information, see the Youth Justice Coalition's report, *Cross the Line: Why LA Must Challenge the Idea that Police Budgets are Untouchable In Order to Support Youth & Build Safer Communities* at [www.youth4justice.org](http://www.youth4justice.org)

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## PART 6

# LAW ENFORCEMENT HAS A DISPROPORTIONATE IMPACT ON CERTAIN COMMUNITIES

There are concentrated numbers of arrests in communities of color and low-income communities. While there is a multiplicity of reasons why this might be, for drug offenses in particular it is not because of ethnic or racial differences in use of drugs.<sup>199</sup>

The disproportionate impact of arrest policies on people of color leaves many families and communities without loved ones and has a significant impact on the economy, stability and safety of these communities, especially when these arrests lead to incarceration. In addition, the concentrated impact of policing on lower income communities is exemplified by the criminalization of homelessness, making people who are homeless particularly vulnerable to arrest and involvement in the justice system.

## PEOPLE OF COLOR ARE DISPROPORTIONATELY ARRESTED, ESPECIALLY FOR DRUG OFFENSES

People of color are arrested at much higher rates than whites across most offense categories, with Blacks having the highest rates of arrest across all racial groups for whom data is available. Blacks are arrested at nearly four times the rate of whites for violent offenses.

### Racial Profiling

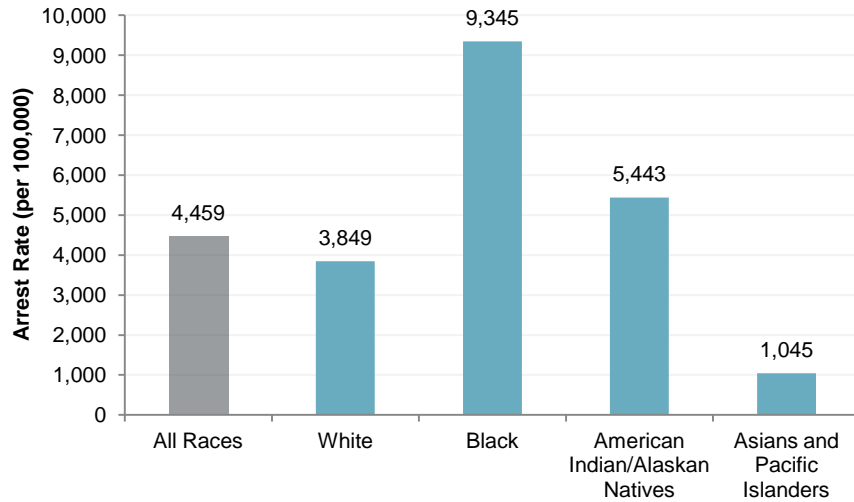
In the aftermath of September 11 and increasing suspicion of immigrants, racial profiling in law enforcement, which long was an issue with the African American community, has grown to include Latinos and Muslims. At the same time, the Black community continues to disproportionately experience contacts with police compared to whites. More contacts with police mean the potential for more arrests.

One area where racial profiling is frequently seen is traffic stops. Even though Blacks, Latinos and whites are stopped by police at similar rates, Blacks are three times as likely to be searched as whites and about two times as likely to be searched as Latinos. Blacks were about twice as likely to be arrested.<sup>200</sup> An analysis of data by the ACLU points out that even though blacks and Hispanics are more likely to be searched during traffic stops, they are less likely to have contraband.<sup>201</sup>

Also under scrutiny are “stop and frisks” of pedestrians, particularly in New York City. This controversial policing strategy involves police stopping someone on the street, and frequently, without any clear evidence of wrongdoing, searching the person. In 2011, 684,330 New Yorkers were stopped by the police; of these, 88 percent (603,268)

were totally innocent.<sup>202</sup> Although whites in New York City make up 44 percent of the population they accounted for only 9 percent of the stop and frisks compared to blacks, who make up 26 percent of the population,

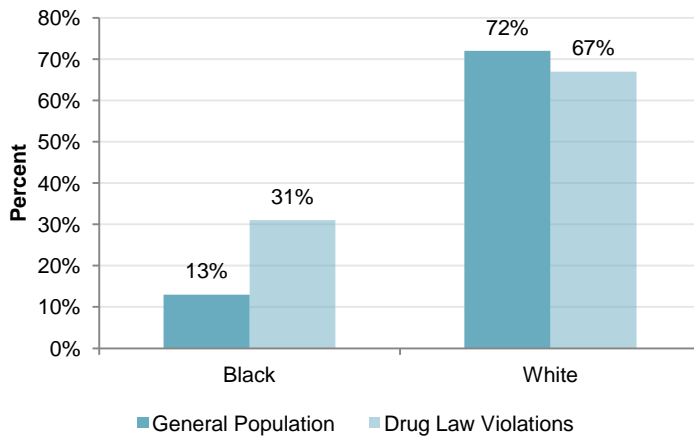
**In 2009, blacks were arrested at more than double the rate of whites.**



Source: Howard Snyder and Joseph Mulako-Wangota, *Arrests in the United States, 1980-2009* (Bureau of Justice Statistics: Washington, D.C., 2011).

but 59 percent of the stop and frisks.<sup>203</sup> Despite being stopped so disproportionately, blacks were *less* likely to be engaging in a behavior for which they could be arrested. In 2006, 21.5 blacks were stopped for each arrest of a black person as opposed to only 18.2 whites stopped for each white arrest. Cops found guns, drugs, or stolen property on whites about twice as often as they did on black suspects.<sup>204</sup>

**Although Black make up 13 percent of the population in 2010, they accounted for 31 percent of arrests for drug law violations.**



Source: **Arrests:** Federal Bureau of Investigation, "Uniform Crime Report, Arrests by Race, Table 43," [www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2010/crime-in-the-u.s.-2010/tables/table-43](http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2010/crime-in-the-u.s.-2010/tables/table-43)

**Population:** U.S. Census Bureau, "American Factfinder, U.S. Census 2010 - Race Alone or in Combination and Hispanic or Latino: 2010," [http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?\\_afpt=table](http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?_afpt=table)

The policies that are included below are examples of racial profiling, as they are seemingly race-neutral policies that have a disproportionate effect on communities of color, especially black communities.

### Drug Offenses

Even greater disparities are seen in the rate of arrests for drug offenses. Although Blacks make up 13 percent of the population, they make up 31 percent of arrests for

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drug offenses, while whites are 72 percent of the population, but 67 percent of arrests. Blacks were arrested for drug offenses at three times the rate of whites in 2009. The number of arrests of African Americans for drug possession increased 55 percent from 1993 to 2009; for whites, this increase was 77 percent.<sup>205</sup> While there may be a multiplicity of reasons for these differences, it is not because there are differences in rates of drug use. In 2010, Blacks and whites reported similar rates of illicit drug use within the previous month.<sup>206</sup>

While increased arrests of whites may more accurately reflect the rates of drug usage in the general population, there are still racial disparities in drug arrests and too many people are arrested and incarcerated for possession of (a small amount) drugs.

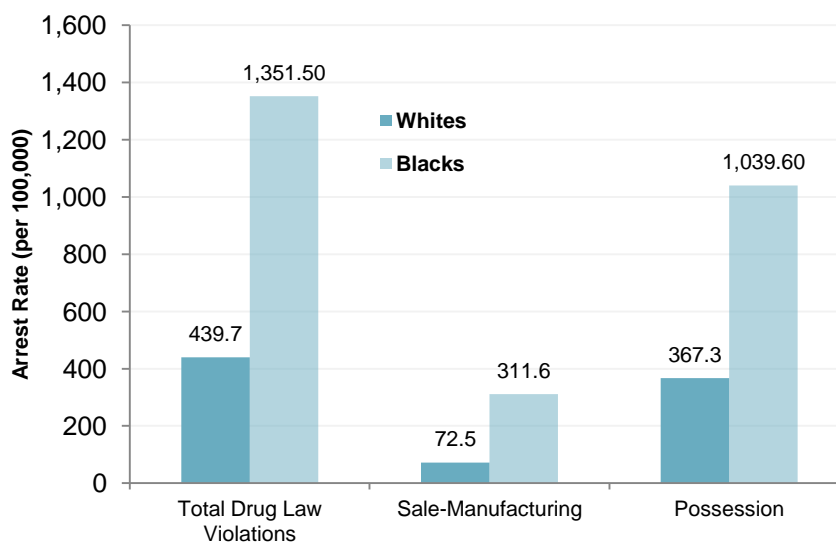
Racial disparities in policing are evident in several studies undertaken across the country:

- **Mississippi:** Researchers at Mississippi State University found that a total of

4,025 drug arrests were made by Mississippi's Multi-Jurisdictional Drug Task Force (MJDTFs) from 1997 to 1998.<sup>207</sup> The typical person arrested was an unemployed male in his late-20s. A disproportionate number (73 percent) of people arrested were African American. Almost 60 percent of arrests were for drug possession, 38 percent were for sale or distribution of drugs, and 1 percent of arrests were for the manufacturing of illegal substances. Less than 7 percent of the charges subsequently filed were for distribution of illegal drugs and just over 1 percent were filed for manufacturing. Eighty percent of the cases resulted in a conviction, while 46 percent resulted in a prison sentence. Nearly 90 percent of these convictions were obtained through plea bargains.<sup>208</sup>

- **California:** A recent study by the Center on Juvenile and Criminal Justice reported that in 1990, half of people arrested in California for marijuana possession were African American, Latino, Asian, or other

**Blacks are arrested for drug offenses at three times the rate of whites in 2009.**



Source: Howard Snyder and Joseph Mulako-Wangota, *Arrests in the United States, 1980-2009* (Bureau of Justice Statistics: Washington, D.C., 2011).



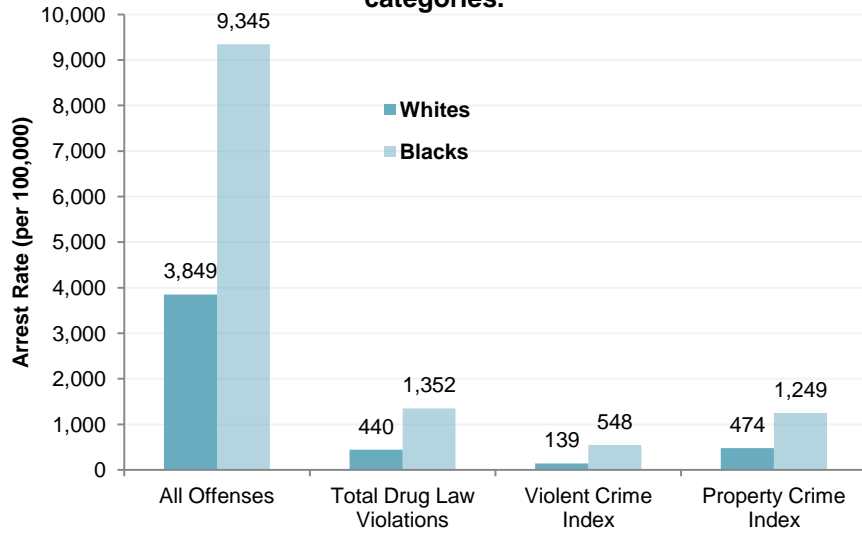
persons of color and 35 percent were under age 20. In 2010, 64 percent of people arrested for these offenses were people of color and 52 percent were under age 20. Marijuana possession arrests of teenagers of color rose from 3,100 in 1990 to 16,400 in 2010 – an arrest surge 300 percent greater than population growth in that group.<sup>209</sup>

California imprisons African Americans for marijuana offenses at 7 times the rate of Latinos, 13 times the rate of Whites, and 20 times the rate of Asians.<sup>210</sup>

- **New York:** In a 2006 report, the New York Civil Liberties Union released a report showing that arrests for marijuana skyrocketed between 1997 and 2006 and also disproportionately affected people of color. Since 1997, Blacks made up about 26 percent of New York City’s population, but 52 percent of arrests, Hispanics made up about 27 percent of the population, but 31 percent of arrests, and non-Hispanic whites were 36 percent of the population, but only 15 percent of arrests. Additionally, whites were more likely to report using marijuana at some point in their lives, with 60 percent saying they had; 50 percent of Blacks, and 40 percent of Hispanics said they had used marijuana.<sup>211</sup>

- **Seattle, WA:** A 2006 study found that although the majority of people who use

**In 2009, Blacks were arrested at more than double and sometimes triple the rate of whites across all offense categories.**



Note: Total Drug Abuse Violations includes arrests for sale, manufacturing and possession. Source: Howard Snyder and Joseph Mulako-Wangota, *Arrests in the United States, 1980-2009* (Bureau of Justice Statistics: Washington, D.C., 2011).

or deliver drugs in Seattle were white, the majority of those arrested were black. The black drug arrest rate was more than 13 times higher than drug arrest rate for whites and black arrests for serious drugs were 21 times higher than whites. While 8 percent of the city population in Seattle is black, a four month sample conducted from 2005-2006 found that 67 percent of those arrested for delivery of a serious drug were black. Research indicates that powder cocaine and ecstasy were the most widely used drugs in the city, yet nearly three-fourths (72.9 percent) of those arrested for delivery of serious drugs were arrested for crack cocaine and nearly three-fourths (73.4 percent) of those arrested were black.<sup>212</sup>

**Operation IMPACT**

Data about crime, where it happens and when, is sometimes thought to be a way to avoid disproportionately affecting

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communities of color, but communities of color often experience the most crime.<sup>213</sup> Even though there are a host of ways known to significantly and permanently reduce crime and victimization, policing is frequently the first turned to in African American and Latino neighborhoods. One example among many across the country is Operation IMPACT, which uses data to identify areas that experience more crime and then focus law enforcement and probation and parole on those areas. Operation IMPACT was first implemented in 2004 in 17 New York counties, not including New York City boroughs, and accounted for more than 80 percent of the most serious offenses reported to the Federal Bureau of Investigation's Uniform Crime Report (Part I offenses). In 2010, IMPACT funded 117 sworn positions, analysts, and investigators and supported partnerships between law enforcement agencies in the state.<sup>214</sup>

The intention was to combine current data about crime, including when, where, and how the offenses occurred to determine how the police should respond. The data supports several different types of responses, primary among them being an infusion of police into a certain area, depending on need. Also, IMPACT data is used to identify areas where there might be a spike in a particular type of crime and, then, probation and parole officers will spontaneously visit people on supervision in those areas, typically focusing on people who might be under supervision for that particular offense. IMPACT also supports a focus on people who are known to have committed a particular offense multiple times and, even though there is no data to show that drug or gang activity drives Part I offenses, gang and drug activity surveillance.

<sup>215</sup>

IMPACT may be representative of an evidence-based policy strategy to target areas that are most effected by crime. However, those same areas are also most likely to be communities of color and lower income communities. While it is necessary to address serious crime in those neighborhoods, a concentrated surveillance effort that focuses on people that have committed offenses in the past may not be the most effective or community-supported means by which to do that. Anecdotal evidence points to arrests and re-incarceration for minor incidents such as "mouthing off" to a parole officer during a random stop. Such targeted, spontaneous supervision may also impede a person on supervision from maintaining employment or other life responsibilities; and parole officers, who may be providing social-work type services to the people they supervise are put in the difficult situation of suddenly having to be in an aggressive policing mode, undermining a working relationship.<sup>216</sup> In addition, while some aspects of this approach may be considered community policing, the more surveillance-based law enforcement strategies may impede these strategies by creating mistrust between communities and police.

### LOW INCOME COMMUNITIES, PARTICULARLY HOMELESS COMMUNITIES, EXPERIENCE A CONCENTRATION OF POLICE CONTACTS.

Zero tolerance policies, fueled by Broken Windows Theory, have contributed to increases in arrests overall, but particularly

for lower income communities and people who are homeless. This is clearly demonstrated in the neighborhood known as Skid Row. Central City East, popularly known as Skid Row, is an area located in downtown Los Angeles that houses some of city's most vulnerable populations. In addition to those suffering from drug addiction and mental illnesses, this area is also home to the highest concentration of homeless people in the U.S.<sup>217</sup>

In 2006, the LAPD began the Safer City Initiative, designed to fight crime in the area by conducting crackdowns on the homeless in hopes of reducing violent and other serious crime. Chief of Police William J. Bratton unleashed a 50-officer task force to patrol the streets of Skid Row. The concentration of police led to about 12,000 citations written per year with about 60 percent of those citations simply for jaywalking. Largely, these citations disproportionately affect those with mental health issues and who are unable to pay citation fines. Since a failure to pay a citation leads to an arrest warrant, arrests in Skid Row increased by an average of more than 750 arrests per month than in previous years.<sup>218</sup>

While the Safer City Initiative has decreased the visibility of homelessness on Skid Row, it has done nothing to effectively help those dealing with homelessness, mental illness or drug addiction other than subjecting them to

increased police contact, citations and arrest.<sup>219</sup>

In addition, most states have implemented laws specifically directed toward policing the homeless which ultimately can result in more people being arrested and admitted to jails. The National Coalition for the Homeless and the National Law Center on Homelessness and Poverty released a report in 2006 which surveyed 224 cities around the country on their laws involving the criminalization of the homeless.<sup>220</sup> The report found that city ordinances frequently serve as a prominent tool to criminalize homelessness through "quality of life" crimes and that these laws are increasing.

- 28 percent of cities surveyed prohibit "camping" in specific public places in the city and 16 percent had city-wide prohibitions on "camping"
- 27 percent prohibit sitting/lying in certain public places
- 39 percent prohibit loitering in specific public areas and 16 percent prohibit loitering city-wide
- 43 percent prohibit begging in specific public places; 45 percent prohibit "aggressive panhandling" and 21 percent have city-wide prohibitions on begging

### **Washington D.C. locking down neighborhoods**

In June 2008, in response to a string of violent incidents, D.C. Police Chief Cathy Lanier and Mayor Adrian Fenty set into motion what they called Neighborhood Safety Zones. The initiative included plans to consolidate oversight of the city's 5,200 closed-circuit cameras, to ask residents whether police may search their homes for illegal guns and to establish traffic checkpoints in high-crime neighborhoods. The latter was implemented in the Trinidad neighborhood in Northeast D.C. Motorists wishing to travel into this area were required to provide valid identification and justify their reasons for traveling into the neighborhood. If they were unable or unwilling to do so, they were not allowed past the barriers.

The blanket implementation of Neighborhood Safety Zones without community involvement only served to exacerbate already fragile relationships between the police department and the communities involved in the initiative, primarily communities of color. According to Chief Lanier, "The Neighborhood Safety Zone initiative will help residents terrorized by violent crime to take back their neighborhoods," but adding more police did just the opposite. On June 20, 2008, the Partnership for Civil Justice filed a lawsuit claiming that the checkpoints were neither effective nor constitutional.

Chief Lanier responded to criticisms of the initiative for being ineffective and lacking community support by citing that during the Neighborhood Safety Zones implementation, there were no homicides in the communities with elevated police presence and that community cooperation is vital to the department successfully carrying out its mission to take on/reduce crime, however, there were numerous shootings throughout D.C. during that time that were not impacted by this policy.

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## PART 7

# POSITIVE INVESTMENTS IN COMMUNITIES PROMOTE PUBLIC SAFETY

On average, communities are the safest they have been in 30 years, but some communities continue to seriously struggle with public safety, and no one wants to live in fear of victimization. At the same time, communities are wrestling with tight budgets and must make choices about how to best achieve public safety. In the coming years, federal funding for all types of initiatives, including police, is likely to further decrease. Already, communities are cutting police forces.

It is possible, however, to get similar or better public safety results without increasing police presence or instituting punitive policing strategies, and without increasing arrests and the negative impacts that come with involving a person in the justice system. The best way to promote public safety is through investments in institutions like education, employment, housing, and treatment, as well as investments in policing strategies that support and are supported by communities. In fact, true community-oriented policing may not cost any additional funds at all, but rather a shift in philosophy. Regardless, investments in these social institutions are investments in the long-term public safety of a community.

Although there is a great deal of evidence and support for positive investments in communities such as education, employment, housing, and treatment,<sup>221</sup> this section will focus on specific models of supportive, community-supported policing that have had promising public safety results, while

reducing arrests and contacts with the justice system.

## San Diego's Community Policing Strategy

In the 1990s, San Diego and New York City both implemented strategies to protecting public safety with similar results, but the approaches used were very different. Under the direction of then-Police Commissioner William Bratton and former mayor Rudy Giuliani, the New York City Police Department employed a “zero tolerance” policy, inspired by Broken Windows Theory to “clean up the streets” and lower crime rates.<sup>222</sup> San Diego, by contrast, favored a neighborhood policing approach in which police and citizens share the responsibility for identifying and solving crimes and form connections to help share information and provide communities with resources to combat crime problems.

Both New York City and San Diego witnessed comparable declines in crime during the same

period.<sup>223</sup> In San Diego, crime fell 36.8 percent from 1990 to 1995 and arrests fell 15 percent, but San Diego did not experience the same level of citizen complaints of police misconduct and abuse. The evidence from San Diego shows that cooperative problem-solving can provide effective crime control while promoting positive ties to the community. According to researcher Judith Greene, who reviewed both the New York City and San Diego policies, “The San Diego strategy seems better designed to support and sustain vital elements of community social organization that can inhibit criminality and build safer neighborhoods over the long run.”<sup>224</sup>

### **Columbia, South Carolina’s Kobans**

In 1999 in the Waverly neighborhood of Columbia, S.C., residents employed a Japanese-style approach to community policing called a Koban.<sup>225</sup> Kobans or police mini-stations in Japan are often found within a ten minute walk from most residents in a neighborhood. This common form of Japanese policing is designed to provide a security anchor and easy police access for communities. Koban officers are tasked with integrating themselves into the local community, frequently making home visits with local residents to inquire about experiences related to crime, give crime prevention tips and share local neighborhood news with residents. Most Kobans also serve as local lost-and-founds and lend out umbrellas on rainy days, and officers generally undertake a mentoring role with neighborhood youth. As a result of forming close community ties, Koban officers are fixtures in Japanese communities and treated like a friend and neighbor.

Inspired by the success of Kobans in Japan, the Eisenhower Foundation developed the

Youth Safe Haven-Police Mini-station model. This model brought together the idea of after-school youth safe havens, youth mentoring and community advocacy with the Japanese Koban-style policing. This model establishes neighborhood-based police ministrations in the United States where officers work to prevent crime, assist local citizens and mentor youth by integrating themselves into the local community.

The Waverly model is similar to the Japanese model in the sense that officers were encouraged to build relationships with local residents, use the Koban for community meetings/events, take crime reports, and work to identify and help prevent community problems. The Waverly Koban had two resident officers who lived in the Koban, patrolled the community, and as part of their contract agreed to work in the neighborhood after hours and on their days off. Since the establishment of the Koban crime has dropped significantly more in the Waverly neighborhood than in Columbia as a whole, strongly indicating that the Koban was a major factor leading to the revival of the community. To date the Eisenhower Foundation has partnered with local jurisdictions to establish Koban-style youth safe havens in Columbia, SC, Irvington, NJ, Jackson, MS, Oakland, CA, Providence, RI, San Juan, Puerto Rico, Toledo, OH, and Tuskegee, AL.<sup>226</sup>

### **Crisis Intervention Team Programs<sup>227</sup>**

A Crisis Intervention Team (CIT) is a special unit of the police department set up to improve interactions with people in a mental health crisis. Originally developed in Memphis, Tennessee, CITs are made up entirely of police officers who voluntarily join, in addition to performing their regular patrol duties. Officers in the program undergo 40

hours of specialized training in verbal de-escalation, and work with mental health staff to fully understand mental illness and see the human side of people in crisis. Since its implementation, the number of Tactical Apprehension Containment Team (TACT, similar to SWAT) calls in the Memphis Police Department fell by nearly 50 percent;<sup>228</sup> the CIT program had only a 2 percent arrest rate with cases receiving specialized response;<sup>229</sup> and the rate of referrals by law enforcement officers to the regional psychiatric emergency service increased by 42 percent.<sup>230</sup>

### **LEAD program in Seattle<sup>231</sup>**

Seattle's new pilot program known as LEAD (Law Enforcement Assisted Diversion) is intended to improve public health and safety through alternatives to the criminal justice system. Instead of arresting people for low-level drug offenses and prostitution, police will offer eligible people inpatient drug treatment, educational opportunities, housing assistance and even microloans for would-be business owners.<sup>232</sup> The program is guided by a harm reduction approach which ensures the safety of all parties during an arrest, in the hopes of seeing a reduction in illegal activity, drug use, and recidivism rates.<sup>233</sup> LEAD's policy coordinating group is made up of top officials from a number of local agencies, including the Seattle police, King County's Sheriff's Office and Prosecuting Attorney's Office, Seattle's City Attorney's Office, the American Civil Liberties Union of Washington, and others. The four-year pilot LEAD program is being funded by private foundations at a cost of \$950,000.

### **Community-based accountability interventions**

Calling the police is not a viable option for some communities. Fear of deportation, criminal justice impacts for harmed parties, or general mistrust of the police causes many

people not to call them for help. The difference between reported crime in the National Crime Victims Survey compared to the Uniform Crime Report<sup>234</sup> is evidence of this reluctance to call the police. In response, people are disrupting harm on their own and without police involvement in other ways. While this is certainly happening every day and to varying degrees, two efforts have recently attempted to collect stories of these interventions to disrupt harm and prepare a toolkit for people to do it on their own. Creative Interventions<sup>235</sup> will soon have a toolkit available for people and communities to prepare their own intervention and accountability strategies and Stop Violence Every Day<sup>236</sup> has a catalogue of stories of people disrupting harm in their own way.

### **Finland's high rates of contact without arrests**

In *Finding Direction*, The Justice Policy Institute compared the criminal justice systems of Australia, Canada, Germany, Finland, United Kingdom and the U.S.<sup>237</sup> As in all comparative nations the entry point to the criminal justice system is usually through police. According to 2006 United Nations data, the rate of police contact varied widely by country, with Finland having the highest rate and Canada the lowest; while the United State's rate of police contact was 52 percent higher than Canada, but 61 percent lower than Finland.<sup>238</sup> However, while Finland had the highest rate of police contact, it also had the lowest rate of incarceration.<sup>239</sup>

Finland's high police contact rate and low incarceration rate may be due to a number of factors, including the country's strict penal codes related to traffic violations,<sup>240</sup> which might increase police contact that doesn't result in arrests. More likely however, differences in the philosophy of the role of police and strategies of policing communities

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accounts for the similarities in rates of police contact among countries, but the vast differences in incarceration. European nations generally reject law enforcement policies that have “zero tolerance” for quality of life offenses, like graffiti, homelessness, or panhandling,<sup>241</sup> which are prevalent in U.S. cities. “Zero tolerance” policies in the United States lead to more people having contact with the police who are subsequently arrested and frequently incarcerated in a pretrial detention facility or jail for a period of time. In other countries, police may simply record their contact with someone for a quality of life offense, but arrest and jail time are not the outcome. With the increased likelihood of sentencing to prison in the United States once entering the system,<sup>242</sup> limiting arrests for less serious offenses, including quality of life offenses, could potentially reduce the number of people in prison in the U.S.

### Washington, D.C.’s Gay and Lesbian Liaison Unit

Similar to other minority communities, the Lesbian, Gay, Bisexual and Transgender (LGBT) community has had an often complicated relationship with the police. A long history of discrimination and stigma, as well as police conduct such as harassment, mishandling of cases and at times targeted enforcement efforts have led to community distrust of police.<sup>243</sup> While examining issues concerning police and the LGBT community can often be complicated due to a lack of data, reports indicate that at times this community has been disproportionately affected by policing practices.<sup>244</sup> In order to respond to LGBT community outcries of mishandling of cases, police misconduct, and a severe lack in hate crimes reporting, the Washington D.C. Metropolitan Police Department (MPD) established the Gay and Lesbian Liaison Unit (GLLU) in June 2000.<sup>245</sup>

Although other police departments - Atlanta, Chicago, and Philadelphia - have gay and lesbian liaison officers who deal with issues in the LGBT community, D.C. was the first of its kind to develop a separate police unit.<sup>246</sup> In 2006 the Metropolitan Police Department received the Ash Center’s Innovations in American Government Award, for the GLLU’s efforts to redefine community policing by coupling community outreach with traditional crime fighting in the LGBT communities.<sup>247</sup> Specifically the GLLU differs from other community policing efforts by merging three approaches: providing educational outreach to the LGBT community, educating peer police officers, and actively participating in day-to-day police crime fighting responsibilities. Officers of the GLLU participate in outreach by integrating themselves into the LGBT community as well as serving as an active investigating unit investigating crimes committed both against and by the LGBT community.<sup>248</sup>



According to the Ash Center, since its inception the GLLU has had a significant impact on the safety of the LGBT community and helped to increase the recognition of same-sex domestic violence in the D.C. area. With the increased presence of culturally competent officers to the issues concerning the LGBT community, the MPD has been able to improve police-community relations



resulting in more members of the community reaching out to the police department regarding crimes, as seen in increased

reporting in hate crimes and domestic violence calls.

## PART 8

# RECOMMENDATIONS

The overuse of police and surveillance can lead to more arrests and incarceration and do not have a significant impact on crime, especially when considering the costs. Some jurisdictions have already started utilizing alternatives to traditional law enforcement to police their streets, while others are focusing on the more long term solutions to social problems.

With the money that governments spend on police and corrections, more could be done for sustainable solutions to public safety challenges. 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.

**1. Reform laws and sentencing so police don't have to pick and choose.** Police don't bear the sole responsibility for the meteoric increase in the U.S. prison population, and they alone can't solve it. To ask them to pick and choose which laws to enforce and how vigorously is a recipe for continued disparities due to excessive discretion, and growing distrust of police. State and federal policymakers must take sentencing reform seriously, reducing the harmful impacts of harsh sentences. They must examine both drug laws and those related to other lesser offenses to determine where they might be rolled back or eliminated completely. This would end the ambiguity police now face and allow them to focus on improving their practices and

concentrating on reducing and addressing harm to people and their neighborhoods.

**2. Reallocate resources to positive social investments known to improve public safety.** Research shows that investing in services and programs that keep people out of the justice system is more effective at improving public safety and promoting community well-being than investing in law enforcement.<sup>249</sup> For example, a Washington State Institute for Public Policy (WSIPP) study found that spending one dollar in community-based drug treatment yields over \$18 in cost savings in terms of increased public safety and monetary savings; a dollar spent on drug treatment in prison yields nearly \$6 in savings. Funding programs in the community yields a higher return on the investment. Drug treatment improves life outcomes and increases the chances that a person will not come into contact with the criminal justice system.<sup>250</sup> Putting resources toward these positive opportunities is the most efficacious and cost-effective way of increasing public safety.

**3. Focus law enforcement on the most serious offenses.** Some federal law enforcement programs like multi-jurisdictional task forces focus on the number of arrests made, rather than the type of arrests made. This leads to more arrests for low-level offenses rather than going after the less frequent, but more serious offenses. Arrests for low-level offenses have less of an impact on public safety, but still use up considerable law enforcement resources. Focusing law enforcement efforts on the more serious offenses will allow officers to use their resources more effectively, thereby improving public safety.

**4. Implement policies that allow police to issue citations over arrests for certain offenses.** A number of cities across the country have started to recognize the waste involved in arresting people for certain low-level offenses, which result in people spending days and sometimes

longer in jails. As such, they have started using a citation rather than arrest system for certain offenses, including possession of small amounts of marijuana. Thirteen states penalize first-offense possession of a modest amount of marijuana with a fine instead of possible jail time. In New York, for example, first-offense possession of up to 25 grams of marijuana is punishable by a \$100 civil citation. In Baltimore, police are given the option of issuing civil or criminal citations for certain low-level offenses such as public intoxication or disturbing the peace. These options allow police and the courts to focus their resources on more serious offenses and save taxpayers the cost of housing someone in a jail for a non-serious offense. Although citations can still have a disproportionate impact on communities unable to pay the citation, there should be an overall reduction in the number of people arrested and filtered into the justice system for minor offenses.

## APPENDIX

State	2007			
	Police Spending Per Capita	Violent Crime Rate	Sworn Police Per Capita	Incarceration Rate
Alabama	\$211	448.0	22	615
Alaska	\$347	661.2	16	447
Arizona	\$322	482.7	24	554
Arkansas	\$169	529.4	21	502
California	\$381	522.6	19	471
Colorado	\$278	347.8	21	465
Connecticut	\$259	256.0	24	410
Delaware	\$346	689.2	18	482
Florida	\$345	722.6	23	535
Georgia	\$224	493.2	23	563
Hawaii	\$239	272.8	23	338
Idaho	\$200	239.4	19	483
Illinois	\$317	533.2	30	n/a
Indiana	\$175	333.6	19	426
Iowa	\$197	294.7	18	291
Kansas	\$244	452.7	23	312
Kentucky	\$148	295.0	18	512
Louisiana	\$277	729.5	29	865
Maine	\$176	118.0	18	159
Maryland	\$317	641.9	24	404
Massachusetts	\$282	431.5	31	246
Michigan	\$233	536.0	18	499
Minnesota	\$272	288.7	17	181
Mississippi	\$196	291.3	22	734
Missouri	\$238	504.9	23	506
Montana	\$215	287.5	18	356
Nebraska	\$202	302.4	20	243
Nevada	\$385	750.6	19	509
New Hampshire	\$225	137.3	21	222
New Jersey	\$353	329.3	32	308
New Mexico	\$304	664.2	23	313
New York	\$393	414.1	39	322
North Carolina	\$225	466.4	23	361
North Dakota	\$166	142.4	18	221
Ohio	\$258	343.2	21	442
Oklahoma	\$200	499.6	22	665
Oregon	\$259	287.6	16	369
Pennsylvania	\$215	416.5	21	365
Rhode Island	\$311	227.3	25	235

South Carolina	\$205	788.3	24	524
South Dakota	\$171	169.2	18	413
Tennessee	\$221	753.3	23	424
Texas	\$220	510.6	20	669
Utah	\$217	234.8	16	239
Vermont	\$228	124.3	16	260
Virginia	\$247	269.7	22	490
Washington	\$219	333.1	16	273
West Virginia	\$148	275.2	17	333
Wisconsin	\$267	290.9	22	397
Wyoming	\$335	239.3	27	394
<b>Total</b>	<b>\$279</b>	<b>466.9</b>	<b>23</b>	<b>506</b>

Note: Local government data are estimates subject to variability  
 Source: Bureau of Justice Statistics

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## ABOUT JPI

The Justice Policy Institute (JPI) is a national nonprofit organization working to change the conversation around justice reform and advance policies that promote well-being and justice for all people and communities. Through a combination of groundbreaking research, communications strategies and technical assistance, JPI informs advocates, policymakers and the media about fair and effective approaches to justice. JPI envisions a society with safe, equitable and healthy communities, just and effective solutions to social problems, and alternatives to incarceration that promote positive life outcomes.

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