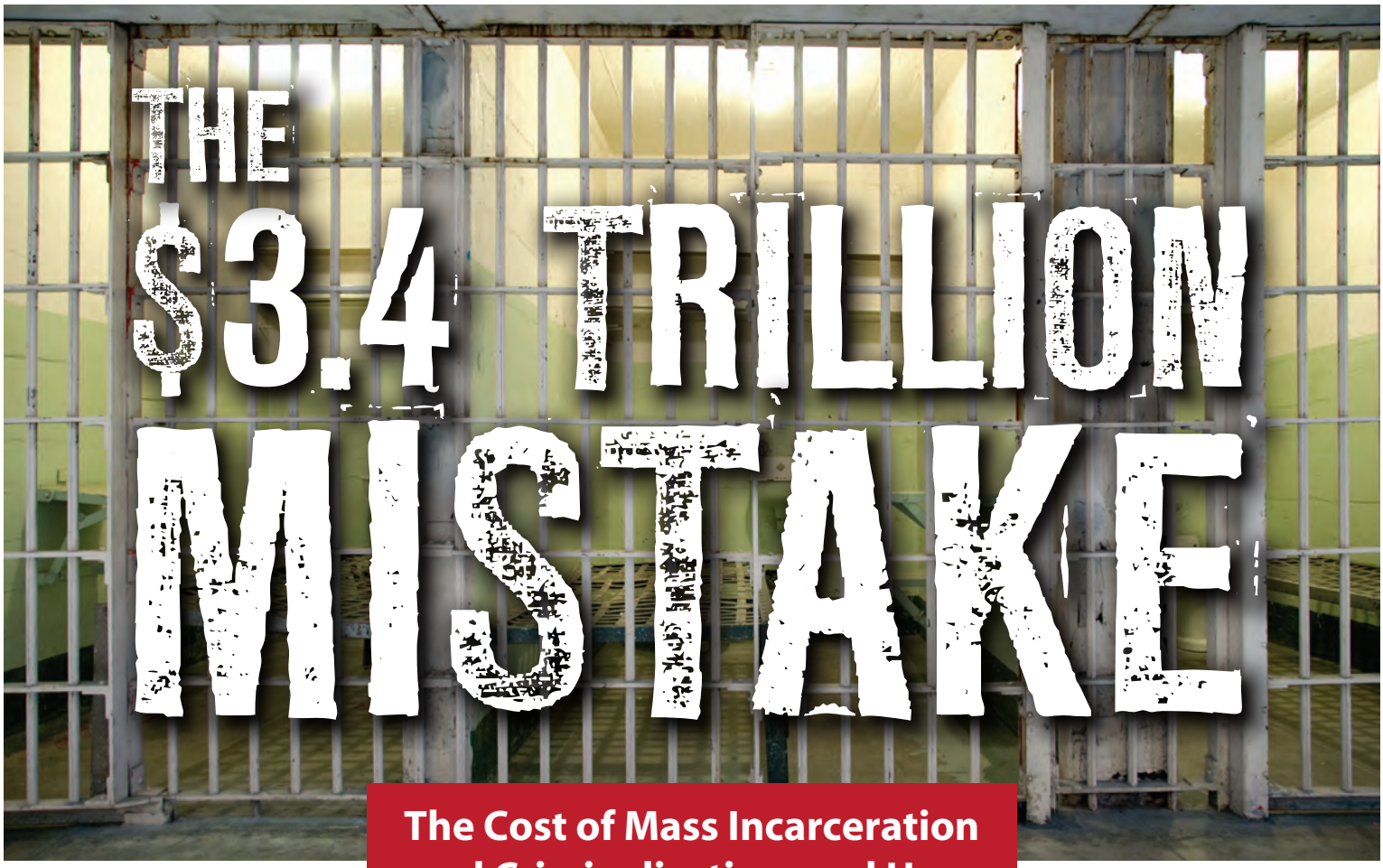


THE $3.4 TRILLION MISTAKE

The Cost of Mass Incarceration and Criminalization, and How Justice Reinvestment Can Build a Better Future for All

COMMUNITIES UNITED

RIGHT ON JUSTICE

MAKE THE ROAD NEW YORK

Padres & Jóvenes Unidos
Freedom to Learn
Libertad de aprendizaje

with assistance from

The Grassroots Action Support Team

THE $3.4 TRILLION MISTAKE

The Cost of Mass Incarceration and Criminalization, and How Justice Reinvestment Can Build a Better Future for All

By Communities United, Make the Road New York, Padres & Jóvenes Unidos, and the Right on Justice Alliance
With assistance from Grassroots Action Support Team

TABLE OF CONTENTS

Please note that all justice spending figures in this report have been adjusted for inflation and presented in 2016 dollars.

EXECUTIVE SUMMARY

Imagine if, back in 1982, our federal, state, and local policymakers had assembled the U.S. public and offered us a choice between two paths that we could take over the next 30 years. Path One would involve using our tax dollars to invest in the massive expansion of our justice system and a tripling of our incarcerated population, but would not substantially improve public safety. Path Two would make the same level of investment in providing tens of millions of youth with higher-quality educational and developmental opportunities, creating millions of living-wage jobs, dramatically expanding the availability of affordable housing and first-rate healthcare, and making meaningful advances in addressing the effects of environmental degradation, while keeping the justice system at the same size. Would anyone have chosen Path One?

Nevertheless, that is effectively what we did. Over the last 30+ years, the U.S. has invested heavily in police, prosecutors, courts, jails, and prisons to address not only public safety issues but also public health concerns such as the effects of poverty, mental illness, and drug use. As a result, the justice system now intersects with our lives far more often, and far more harshly, than ever before, and there are many millions more people that are either under the control of, or employed by, that system.

For example, in 1982, the U.S. already had an expansive justice system, totaling $90 billion in justice spending, including police, corrections, judicial/legal, and immigration enforcement expenditures. Indeed, our incarcerated population then – 621,885 – would still rank as third-highest in the world today, behind only China and Russia. Nevertheless, we continued to aggressively expand both the size and role of our justice system, particularly as a result of the escalation of the "War on Drugs" and the increased use of the "tough on crime" approach. Thus, by 2012, total justice spending had increased by 229% to nearly $297 billion.

Even more staggering is the cumulative impact of those shifts in resources. Over the 30-year period from 1983 to 2012, we spent $3.4 trillion more on the justice system than we would have if it had stayed the same size as it was in 1982. This "surplus justice spending" turned our already-huge justice system into the one we have today, in which there are nearly eight million adults and youth behind bars or within the probation and parole systems in the U.S. In other words, 1 in 40 U.S. residents is either in prison, in jail, on probation or parole, or otherwise under control of the justice system. For communities of color that have been devastated by decades of over-investment in flawed and ineffective criminal justice strategies and racially discriminatory policing – and under-investment in meeting critical community needs – the impact has been particularly severe. For example, approximately 1 in 18 Black residents, and 1 in 34 Latino residents, were under the control of the justice system in 2013 (compared to 1 in 55 White residents).

Over the 30-year period from 1983 to 2012, we spent $3.4 trillion more on the justice system than we would have if it had stayed the same size as it was in 1982.

The $3.4 trillion in surplus justice spending has had dramatic ramifications for every state, community, and taxpayer in the U.S. For example:

- **All 50 states accumulated billions of dollars in surplus justice spending over that 30-year period, ranging from $2.2 billion for North Dakota to $505 billion for California (a map showing state-by-state figures is below in Part One).**

- **In 1982, each household in the U.S. paid an average of $1,076 for our justice system. By 2012, each household was paying an average of $2,557, almost $1,500 more.**

- **By far the largest category of justice spending – at 45% of the total – is police spending. It has also increased over time more than the other categories. For example, in 2012, the U.S. spent $85 billion more on police than it did in 1982.**

- **Between 1983 and 2012, the justice system added an additional 1.2 million police officers, corrections employees, prosecutors, and other employees to our publicly funded workforce, nearly doubling its number of personnel.**

However, despite the massive investment in the expansion of our justice system, it is not at all clear that this approach has been effective at promoting public safety. On the contrary, the evidence suggests that it has been far less effective than other public safety strategies available to us. Moreover, there is an enormous amount of research demonstrating that the harms caused by this approach far exceeded whatever benefits have been realized, particularly with regard to the low-income communities of color that have been suffocating under extreme versions of these mass incarceration and criminalization approaches.

Of course, to create safe communities, we must be able to respond effectively to violence and crime. But the most effective response to such actions need not involve the justice system, and our understanding of public safety should not begin nor end with the justice system. We must recognize that communities cannot be safe if there aren't enough good jobs and affordable housing opportunities for the people who need them, or if residents' mental, physical, and behavioral health needs are not being met. Communities cannot be safe if children aren't being provided with high-quality educational opportunities, wraparound supports, and access to good afterschool and employment opportunities when needed. Communities cannot be safe when there is deep social, economic, and political inequality within them, or if they are facing the threats posed by environmental degradation and climate change. It is common sense – and supported by research – that addressing these basic needs will result in far less crime and violence and far fewer people entering the criminal justice system, yet all across the country, we have continually neglected these other key components of safety.

Imagine, however, if our choices had been different. What if, instead of spending so many of our resources *responding* to crime and other symptoms of unhealthy communities, we had instead focused more on *preventing* crime and addressing its root causes? What if we hadn't made the long series of policy decisions that moved us from $90 billion in annual justice spending to $297 billion? *What could we have done with the extra $3.4 trillion that we would have saved over that 30-year period?*

The short answer to all of those questions is that the $3.4 trillion in surplus justice spending could have instead created a much brighter past, present, and future for every single resident of the U.S. With those resources, we could have made life-changing investments in millions of families. Countless struggling communities could have used those resources to meet the needs of their residents. Millions of children who have had their educational and developmental needs neglected over the last 30 years could have had more opportunities to improve the quality of their lives.

Consider some of the options of what could have been done differently with just one year's worth of surplus justice spending – $206 billion:

- **Create over one million new living-wage jobs: $114 billion**
- **Increase spending by 25% at every K-12 public school in the country: $159 billion**
- **Create a universal pre-K system for all 3- and 4-year-olds that would be free for low-income families and affordable for middle-class families: $20 billion**
- **Provide every household living in poverty with an additional $10,000 per year in income or tax credits: $87 billion**
- **Provide healthcare to five million uninsured persons: $30 billion**
- **Fund one million new social workers, psychologists, conflict mediators, mental health counselors, and drug treatment counselors to address public health and safety issues: $67 billion**
- **Eliminate tuition at every public college and university in the country: $82 billion**

That is just a thought experiment, but it has real implications, because we do not have to make that same mistakes over the next 30 years. However, if we do not change course, the consequences of surplus justice spending will only worsen over time. For example, even if we do not continue to increase our justice spending and merely maintain our current level, the $3.4 trillion mistake of the last 30 years will create an additional $6.2 trillion mistake over the next 30 years. That amounts to an average expense of $53,356 for every household in the U.S

and enormous budgetary implications for every state in the U.S. (a map with state-by-state figures is included in Part Three).

Alternatively, with $6.2 trillion we could make the kind of transformative investments in living-wage jobs, education, housing, healthcare, community wraparound supports, and clean, renewable energy sources that we missed out on as a result of our choices over the last 30 years. For example, with those resources, we could *eliminate inter-generational poverty*, dramatically improve the quality of life in hundreds of communities across the country, and/or transition most of the country to 100% clean and renewable energy sources. Not only would these alternative investments address the root causes of crime and reduce the need for incarceration, but they would also have a variety of additional, positive spillover effects. Plus, in stark contrast to the escalating costs of mass incarceration and criminalization, they would produce reduced government spending over time.

Thus, to end the cycle of mass incarceration and criminalization while also actively building stronger, safer, and healthier communities across the country, we propose the creation of a robust and comprehensive "justice reinvestment" initiative that shifts public dollars away from our bloated criminal justice system and addresses our most acute education, employment, healthcare, housing, and environmental needs. While there have already been some justice reinvestment efforts in states and localities across the country, they have been far too limited in scope to meaningfully address the challenges we face. They have also failed to include in meaningful ways the communities that have been most affected by mass incarceration and criminalization. Thus, we propose the following action steps to expand upon, deepen, and transform justice reinvestment efforts nationally:

ACTION STEPS

1. All applicable federal, state, and local government officials should take immediate steps to develop an inclusive and participatory process for reducing all four areas of surplus justice spending (police, corrections, judicial/legal, and immigration enforcement). The resulting savings should be reinvested in the following areas, with a particular emphasis on addressing the most critical needs within the communities most affected by mass incarceration and criminalization:

a. Providing youth with high-quality educational and developmental opportunities;
b. Creating additional living-wage jobs;
c. Expanding the availability of affordable housing;
d. Broadening access to first-rate physical, mental, and behavioral healthcare;
e. Making meaningful advances in addressing the effects of environmental degradation and climate change; and
f. Providing alternatives to justice-system involvement such as restorative justice programs and increased use of social workers, psychologists, conflict mediators, mental health counselors, and drug treatment counselors.

2. The federal government should launch a new **Justice Reinvestment Fund** to dramatically expand the support and incentives for states and localities that engage in inclusive and participatory processes to reduce all categories of justice spending and reinvest in the priorities listed above in Action Step #1.

3. State governments should require and/or incentivize localities to engage in inclusive and participatory justice reinvestment processes that result in the type of reduced justice spending and reinvestment described in #1.

INTRODUCTION

What makes our communities safe?

It seems like a simple question, and for the last 30+ years the U.S.'s answer to it has been rather simple, as well. Overwhelmingly, our approach has been to invest in police, prosecutors, courts, jails, and prisons, to address not only public safety issues but also public health concerns such as the effects of poverty, mental illness, and drug use. The result has been that our justice system has more than tripled in size since the early 1980s, with a massive expansion in the number of people under the control of, and employed by, that system.

But what if that question – "what makes our communities safe?" – isn't as simple as it seems? And what if our answer to it hadn't been so simple, as well?

This report examines those questions and presents a detailed analysis of our investments in the justice system (including a state-by-state breakdown) and their impact on federal, state, and local budgets, and on individual taxpayers. It also examines the disproportionate harm this shift in public investment has caused within low-income communities of color. Additionally, because we propose that safety is a far more expansive concept than what is typically reflected in our public policies, and that it is impossible for a community to be safe if the basic needs of its residents are not being met, we also examine how those dollars spent on the justice system could have instead been used to:

- Provide tens of millions of youth with higher-quality educational and developmental opportunities;
- Create millions of living-wage jobs;
- Expand access to first-rate healthcare;
- Broaden the availability of affordable housing; and
- Make meaningful advances in addressing the effects of environmental degradation and climate change.

Thus, this report asks how our choices that resulted in the creation of an immense justice system might have been different, and how our communities, and our country, might have looked different as a result. But, ultimately, this report is less about the last 30 years than it is about the next 30 years, and whether we choose to double-down on the existing approach, or instead decide to "right-size" our justice system and make smarter investments to create more safe, healthy, and thriving communities around the country.

The Justice System and Immigration Enforcement

In this report, we define the "justice system" to include the police, the judicial/legal system, the correctional system, and the immigration enforcement system. We include the immigration enforcement system because the strategies used to enforce immigration laws, the effects of those enforcement strategies, and the expanded scope of the immigration enforcement system have all been quite similar to dynamics within the criminal justice system. Furthermore, there has been increasing overlap between the duties of law enforcement officials and immigration enforcement officials in recent years, as police and prosecutors have been devoting more of their time and resources to addressing immigration-related offenses.

PART ONE: THE EXPANSION

The expansion of our justice system has known virtually no bounds in recent years. We have dramatically increased the number of criminal laws while also increasing the penalties for violating them. We have expanded the number of places where we choose to enforce those laws and thus have substantially widened the universe of people we choose to bring into contact with the justice system. And we have continually expanded the functions we expect our justice system to serve. In short, we have created a system that intersects with our lives far more often, and far more harshly, than ever before.

For example, there are now more than 4,500 federal criminal laws (covering 27,000 pages), and each state has between several hundred and several thousand of its own criminal laws.[1] Our average prison sentence increased by 36% over a 20-year period, and the number of people serving life sentences for their crimes has quadrupled since the mid-1980s.[2] It is now difficult to find any place in the U.S. that is not regularly patrolled by police, including many elementary schools.[3] We have also tasked the justice system with being the response of first resort to a wide array of our social problems that were formerly addressed, and are best addressed, in very different ways. Students as young as 5-years-old are being defiant or disruptive in class? We now often consider those criminal matters.[4] Homeless people sleeping on public benches? We send in the police.[5] People are suffering from physical or emotional pain and are self-medicating with illegal substances? We frequently incarcerate those individuals.[6] Schools have low attendance rates? We bring the parents and the students into court.[7] In short, while the justice system has always been the hammer in our society, over the years we have created an ever-expanding number of nails, particularly within communities of color.

The Cost of Expansion

Creating such an expansive system has been extremely costly. For example, if we rewind back to 1982, we already had a massive (and expanding) justice system, with perhaps the largest police force and the largest incarcerated population in the world.[8] Indeed, our incarcerated population then – 621,885 – would still rank as third-highest in the world today, behind only China and Russia.[9] If we adjust for inflation, in 1982 the U.S. totaled $90 billion in justice spending (including police, corrections, judicial/legal, and immigration enforcement spending).[10] Nevertheless, we continued to aggressively expand both the size and role of our justice system, particularly as a result of the escalation of the "War on Drugs" and the increased use of the "tough on crime" approach.[11] Thus, by 2012,[12] total justice spending had increased by 229% to nearly $297 billion.[13] In other words, we spent over $206 billion more in 2012 than we did in 1982 (see Chart 1).

Even more staggering is the cumulative impact of those shifts in resources. Over the 30-year period from 1983 to 2012, we spent $3.4 trillion more on the justice system than we would have if it had merely stayed the same size as it was in 1982 (see Chart 2).[14]

Chart 1

Justice Spending, in Billions of 2016 Dollars

Sources: Bureau of Justice Statistics, Dept of Homeland Security, Dept. of Justice

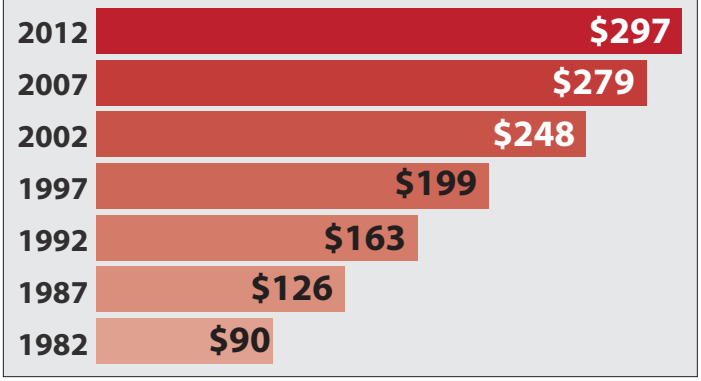


Chart 2

U.S. Justice Spending, 1982-2012

(in 2016 dollars)

This "surplus justice spending," as we will call it, turned our already-massive justice system into what we have today. As a result, by 2013, our incarcerated population had more than tripled to 2,227,700, which is by far the largest in the world.[15] If we take into account all of the adults and youth who are behind bars, being otherwise detained, or are within the probation and parole systems, there were nearly eight million individuals within our justice system in 2013 (see Chart 3).[1]

1 in 40 U.S. residents is either in prison, in jail, on probation or parole, or otherwise under control of the justice system. For Black residents, it is approximately 1 in 18 residents, and for Latino residents, 1 in 34 (compared to 1 in 55 for White residents).

Chart 3

U.S. Justice System

(as of 2013)

Sources: Bureau of Justice Statistics, Office of Juvenile Justice and Delinquency Prevention, and Department of Homeland Security

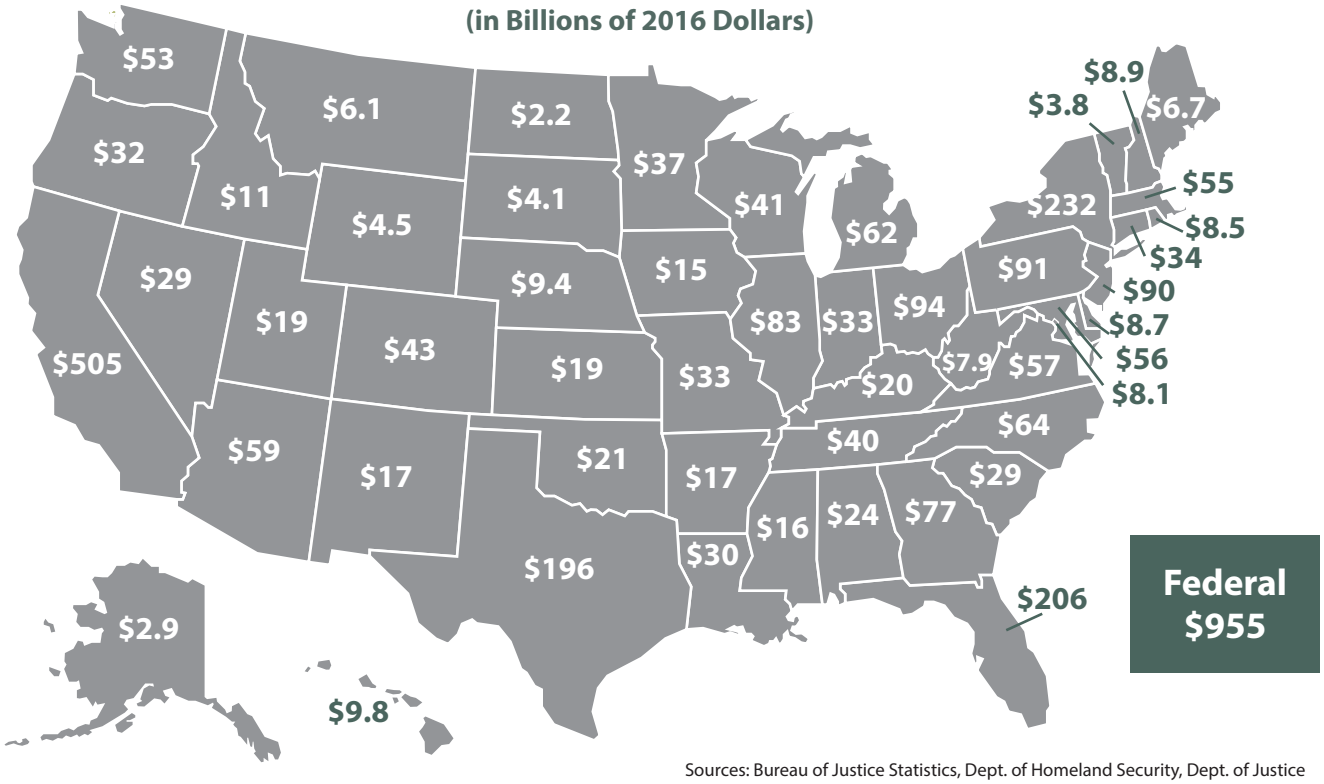
2,227,700	Prison & Jail Population
+ 839,551	Parole Population
+ 3,945,795	Adult Probation Population
+ 416,700	Juvenile Probation Population
+ 54,148	Juvenile Detention Population
+ 440,557	Immigrant Detention Population
7,924,451	**Individuals Within the Justice System**

The $3.4 trillion in surplus justice spending has had dramatic ramifications for every state, and every community, in the U.S. For example, we calculated what each state (including all of its localities) and the federal government spent in excess of its 1982 level of justice spending over the ensuing 30 years.[17] From 1983 to 2012, every state in the U.S. accumulated billions of dollars in surplus justice spending, ranging from $2.2 billion for North Dakota to $505 billion for California (see Chart 4). (For state-by-state data showing the changes in justice spending, justice system personnel, and the correctional population in each state, see Appendix.)

Chart 4

Surplus Justice Spending, 1983 - 2012

(in Billions of 2016 Dollars)



Sources: Bureau of Justice Statistics, Dept. of Homeland Security, Dept. of Justice

Of course, the dramatic effects of this expansion on our local, state, and federal budgets ultimately create a similarly dramatic impact on individual taxpayers. For example, in 1982, each household in the U.S. paid an average of $1,076 for our justice system.[18] By 2012, each household was paying an average of $2,557, almost $1,500 more.[19]

$1,076	$2,557
1982 Average Justice Spending per Household (in 2016 dollars)	2012 Average Justice Spending per Household (in 2016 dollars)

Breaking Down the Cost

All areas of the justice system have experienced significant growth since the early 1980s. Indeed, inflation-adjusted spending in each of the four categories (police, corrections, judicial/legal, and immigration enforcement) increased by at least 180% from 1982 to 2012 (see Chart 5).[20]

Chart 5
Increase in Justice Spending, by Category
Sources: Bureau of Justice Statistics, Department of Homeland Security, Department of Justice

	1982 Spending (in 2016 dollars)	2012 Spending (in 2016 dollars)	$ Change	% Change
Police	$47 Billion	$132 Billion	$85 Billion	↑ 180%
Corrections	$23 Billion	$85 Billion	$62 Billion	↑ 276%
Judicial/Legal	$19 Billion	$61 Billion	$42 Billion	↑ 214%
Immigration Enforcement	$1.1 Billion	$19 Billion	$18 Billion	↑ 1611%

Unsurprisingly, those expanded budgets reflect expanded staffs. For example, while there were 1,223,199 people employed within the police, corrections, and judicial/legal systems in 1983,[21] there were almost double that many, 2,425,011, employed in 2012 (see Chart 6).[22] In other words, over that 30-year period, we added an additional 1.2 million police officers, corrections employees, prosecutors, and other justice system employees to our public payroll.

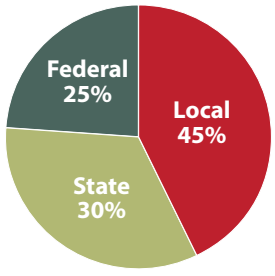
Chart 6
Increase in Justice Personnel, by Category
(excluding immigration enforcement personnel)
Source: Bureau of Justice Statistics

	Personnel in 1983	Personnel in 2012	# Change	% Change
Police	668,977	1,183,614	514,637	↑ 77%
Corrections	310,603	749,418	438,815	↑ 141%
Judicial/Legal	243,619	491,979	248,360	↑ 102%

While it is popular to criticize federal spending, the fault for surplus justice spending lies mostly with local and state governments (see Chart 7). Local budgets accounted for 45% of justice spending in 2012 and state budgets comprised another 30%.[23] Only 25% of justice spending came from the federal government in 2012.[24]

Sources: Bureau of Justice Statistics, Dept. of Homeland Security

Chart 7
2012 Justice Spending



PART TWO: THE RETURN ON OUR INVESTMENT

The data presented above represent an enormous investment in a particular public policy strategy. One would think that our policymakers would have continually evaluated the effectiveness of that strategy over the last 30+ years to determine what kind of return we were receiving on our investment. Unfortunately, they largely failed to do that. Only now is there widespread recognition of what an enormous failure this approach has been.

For example, despite all of the additional resources devoted to the massive expansion of the justice system, it is not at all clear that the mass incarceration and criminalization approaches have been effective at promoting public safety.[25] Additionally, and as will be discussed more below in Part Three, it is certainly not clear that these approaches were more effective than if we had employed other public safety strategies. In fact, the evidence suggests that mass incarceration and criminalization are far less effective than other options available to us.[26]

Moreover, there is an enormous amount of research demonstrating that the harms caused by these approaches far exceeded whatever benefits have been realized.[27] Indeed, the dramatic expansion of our justice system has been perhaps the most destructive public policy initiative of the last 60 years, particularly within communities of color.

As community-based organizations located in New York City, Chicago, and Denver, we have witnessed the far-reaching and devastating effects of the surplus justice spending described above. We have seen it needlessly ruin countless individual lives, put an incredible strain on families, and tear apart entire communities.[28] We have witnessed the broadening of the definitions of "crime" and "criminals" over time to increasingly affect the people in our communities, and especially those living in poverty.[29] We have seen the effects of law enforcement resources becoming hyper-focused on a narrow subset of crime – namely, relatively minor infractions within our communities – such that the mistakes of the Black or Latino youth and young adults living in our communities are far more likely to be criminalized than the mistakes of virtually anyone else in the world.[30] We have witnessed first-hand the well-documented racial inequities and discriminatory treatment within virtually every other element of our justice system, ultimately accumulating to create extreme disproportionality in the jail and prison populations.[31] We have seen the members of our community that are struggling with mental illness or drug use be locked up, over and over, rather than be provided the help they need.[32] Year after year, decade after decade, we have witnessed the expansion of the justice system worsen the conditions within our already-

As community-based organizations located in New York City, Chicago, and Denver, we have witnessed the far-reaching and devastating effects of the surplus justice spending described above.

The Perspective of Leading Law Enforcement Officials

"Today, a vicious cycle of poverty, criminality, and incarceration traps too many Americans and weakens too many communities. However, many aspects of our criminal justice system may actually exacerbate this problem, rather than alleviate it."
U.S. Department of Justice

"In fact, jail and prison can kick-start a cycle of incarceration that turns first-time offenders into repeat offenders. Incarceration turns people's lives upside down [and] hurts the communities they belong to . . . all while doing little to reduce crime."
Law Enforcement Leaders to Reduce Crime and Incarceration (www.lawenforcementleaders.org)

Sources: *Smart on Crime: Reforming the Criminal Justice System for the 21st Century* (August 2013); *Statement of Principles*, at http://lawenforcementleaders.org/wp-content/uploads/2015/10/Statement_of_Principles.pdf.

under-resourced communities, deepening their social, economic, and political marginalization.[33]

Fortunately, within the last couple years, the tide has turned somewhat and virtually all stakeholders – including prominent political, business, and law enforcement leaders[34] – now recognize the need to address our oversized justice system. However, the focus of this newfound national consensus has been almost exclusively on reducing our incarcerated population and corrections spending. While both are worthy goals, even spectacular successes in each area would not come close to addressing the impact of our expanded justice system if we fail to right-size the other categories.

However, it has become a political "third rail" to mention, much less question, the 1611% increase in spending on immigration enforcement or the number of oversized prosecutor's offices that exist around the country. But the category that receives the least scrutiny is also the one that is the greatest contributor to the problem of surplus justice spending (and, of course, also the source of all the people we charge with crimes and then incarcerate).

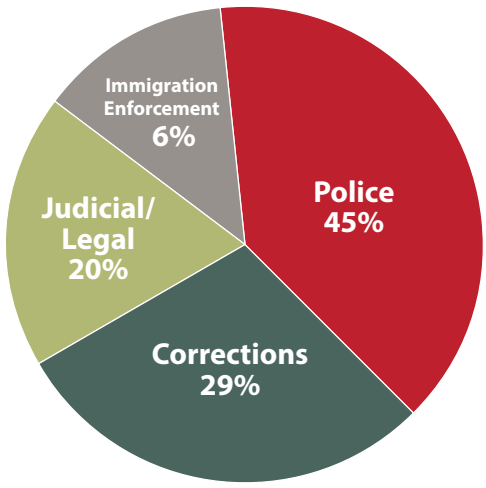
By far the largest category of justice spending – at 45%, far larger than correction's 29% – is police spending (see Chart 8).[35] Police spending has also increased over time more than the other categories. For example, if we compare 1982 to 2012, we spent $85 billion more on police, compared to $62 billion more on corrections, $42 billion more on judicial/legal, and $18 billion more on immigration enforcement (see Chart 5 above).

Similarly, if we look at the number of persons employed in each area, the largest increase has been in the number of police personnel. There were 514,637 more police employees in 2012 than there were in 1983, compared to 438,815 more corrections employees and 248,360 more judicial/legal employees (see Chart 6 above). Thus, while all four categories contributed to the $3.4 trillion in surplus justice spending, the largest contributor – at 38% – was from surplus police spending (see Chart 9).[3]

The expansion of police budgets has come not only from hiring more officers and staff, but also from sharp increases in spending on weapons and equipment. Indeed, many police departments now resemble elite military units. Police departments around the country are now equipped with machine guns, state-of-the-art assault rifles, armored cars and aircraft, grenades, drones, and even tanks.[37] In short, police departments have increasingly been armed with the weapons of war.

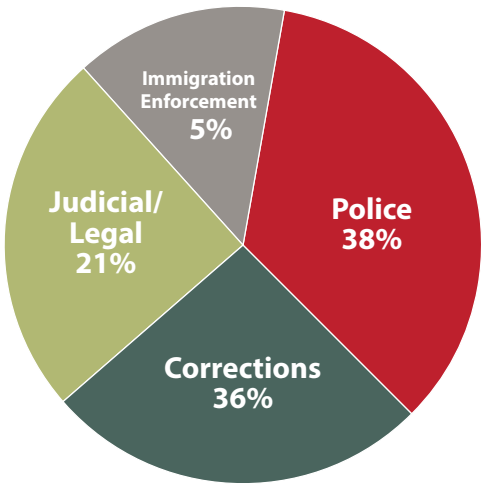
Nevertheless, the prevailing view within much of the American public is that more police, and more police spending, equals more safety. For them, the expansion described above has affected them financially but has not changed their daily routine in any meaningful way. For some others, it has meant that they are perhaps more likely to be pulled over and/or ticketed by the police for a traffic violation. But for many, many others, that surplus police spending has had a profound impact on their day-to-day experiences. Indeed, within a great many communities, more police does not necessarily mean more safety, and may in fact mean less.

Chart 8
2012 Justice Spending



Sources: Bureau of Justice Statistics, Dept. of Homeland Security

Chart 9
Contribution to Surplus Spending, 1983-2012



Sources: Bureau of Justice Statistics, Dept. of Homeland Security, Dept of Justice

Policing of Schools

Perhaps nowhere has the increase in police presence been more noticeable than in K-12 schools. For example:

- While not long ago it was rare for schools to have a police presence, there are now more than 43,000 school resource officers and sworn police officers in America's public schools.
- In North Carolina, there are now over four times as many school resource officers as there were in 1996.
- In New York City, there are at least 5,000 NYPD officers patrolling the city's schools.
- In Texas, 167 school districts operate their own police department.
- In California, more than 30,000 K-12 students were referred to law enforcement in just one year, and in some districts there are more school-based police officers than student support personnel such as counselors, social workers, psychologists, and nurses.

Sources: National Center for Education Statistics, *Public School Safety and Discipline: 2013-14* (May 2015); N.C. Center for Safer Schools and North Carolina Department of Public Safety, *North Carolina School Resource Officer Census* Series; New York Civil Liberties Union, *A, B, C, D, STPP: How School Discipline Feeds the School-to-Prison Pipeline* (Oct. 2013); Texas Appleseed, *Texas' School-to-Prison Pipeline: Ticketing, Arrest & Use of Force in School* (Dec. 2010); Community Rights Campaign of the Labor/ Community Strategy Center & Black Organizing Project, *The New "Separate and Unequal": Using California's Local Control Funding Formula to Dismantle the School-to-Prison Pipeline* (March 2014).

For example, one consequence of arming police as if they are at war and declaring that they are fighting a "War on Drugs" or a "War on Gangs" is that we have encouraged many of them to adopt a "warrior mentality."[38] Far too many officers are being trained to believe that the people they are supposed to be serving and protecting are instead their adversaries. In other words, our tax dollars are funding public servants to wage what they are being told is a war against their own people. The battleground for that "war" is overwhelmingly concentrated within low-income communities of color, where police are asked to play a very similar role to that of our occupying forces within Iraq and Afghanistan. As with any war, especially one that is 30+ years old, alongside whatever gains may be made, it is impossible to avoid an abundance of devastating collateral damage.[39]

At the same time, we have asked our officers to police more spaces; to enforce an ever-increasing, overly broad set of crimes; to be everywhere. We even rely on them to generate revenue for their towns, cities, and states through tickets, fines, and civil asset forfeiture.[40] As a result of this expanded role, and the warrior mentality we have promoted, there are tens of thousands, or even hundreds of thousands of individuals – disproportionately Black and Latino – that are having negative and/or traumatic experiences with police officers every single day.[41] These experiences accumulate very quickly and naturally breed widespread resentment toward, and distrust of, the police within many communities. People can very quickly lose faith in the goodwill of police when they believe that they and their communities are being treated unfairly, and they frequently become antagonistic toward law enforcement in response. That only weakens the relationship between police and the communities they are charged with serving, and adds another layer of potential danger to every encounter between police and the public in those neighborhoods.

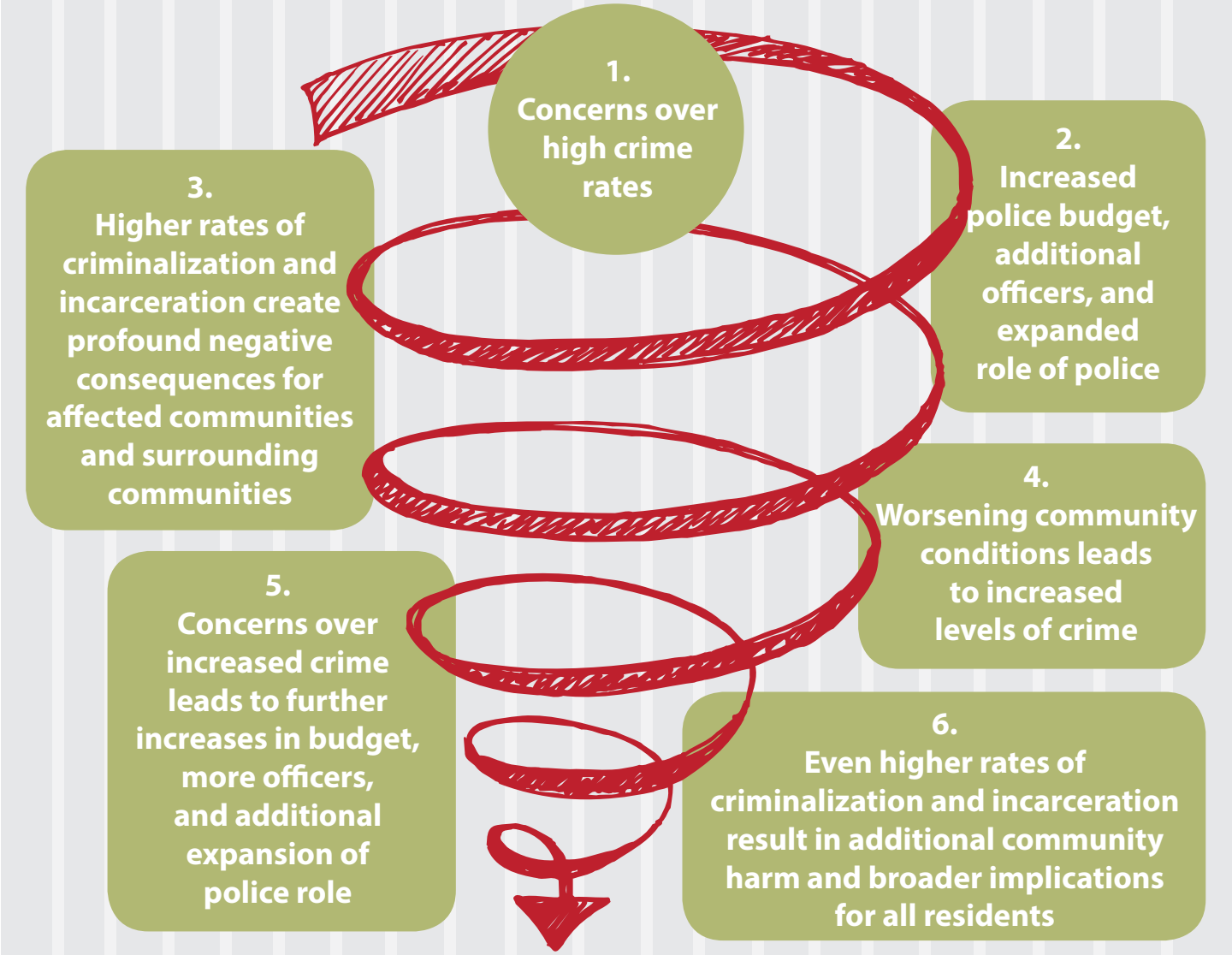
These dynamics – the growth in police forces, the rise of the warrior mentality, and the expanded role of police, against the backdrop of longstanding racial injustice – are why tragedies such as the deaths of Michael Brown, Eric Garner, Freddie Gray, Tamir Rice, Walter Scott, Sandra Bland, Jessie Hernandez, Laquan McDonald, Alton Sterling, and Philando Castile, among so many others, have become inevitable within our current system. They have become inevitable because (1) the larger our police forces become, the less we are able to ensure the quality of each individual officer; (2) adopting a warrior mentality

necessarily results in a diminished view of the humanity of those you are at war with;[42] and (3) requiring that police zealously enforce even the most minor criminal laws (as opposed to, for example, focusing their resources on responding to serious and large-scale crimes) raises the likelihood of dangerous encounters with the public.

Thus, while all of the people listed above were killed by individuals, it would be a grave mistake to simply pin such tragedies on a few "bad apples" or isolated instances of poor decision-making, or to ignore the broader implications altogether. These deaths are the predictable result of the system that we have created; of how we have chosen to fund the police, the role we have asked them to assume, and where we have directed them to devote their resources. The result has been a downward spiral of crime, criminalization, mass incarceration, and community harm (see Chart 10). The negative outcomes of that spiral, such as increased levels of poverty and violence, may be concentrated in certain neighborhoods (such as the ones we represent in New York, Chicago, and Denver), but they affect every U.S. resident. And so the spiral must be disrupted, though doing so will require a major shift in our collective thinking about what actually makes communities safe.

Chart 10

The Downward Spiral of Crime, Criminalization, Mass Incarceration, and Community Harm



This cycle has been repeated over and over during the last 30+ years, and will continue unless we choose to disrupt it.

PART THREE: ALTERNATIVE INVESTMENTS & THE NEXT 30 YEARS

We should all be concerned about surplus justice spending not only because of what we are investing in, but also because of all the things we are unable to invest in as a result. Every extra dollar that goes to pay for police, prosecutors, courts, jails, and prisons is a dollar that could have funded job creation, education, housing, healthcare, or protection of the environment, for which there never seem to be enough resources.

To create safe communities, we must of course be able to respond effectively to violence and crime. But the most effective response to such actions need not involve the justice system, and our understanding of public safety should not begin nor end with the justice system.[43] We must recognize that communities cannot be safe if there aren't enough good jobs and affordable housing opportunities for the people who need them. Communities cannot be safe if children aren't being provided with high-quality educational opportunities, wraparound supports, and access to good afterschool and employment opportunities when needed. Communities cannot be safe if residents' mental, physical, and behavioral health needs are not being met. Communities cannot be safe if they are facing the threats posed by environmental degradation and climate change. And communities cannot be safe when there is deep social, economic, and political inequality within them. It is common sense that addressing these basic needs will result in far less crime and violence and far fewer people entering the criminal justice system, yet all across the country, we have continually neglected these other key components of safety.

Our approach to public safety over the last 30+ years has too often resulted in tearing communities apart rather than building them up.

As a society, we get out of our communities what we put into them. When communities are well-resourced, crime and violence become isolated instances. However, when communities are under-resourced and otherwise marginalized, it is easy for crime and violence to flourish. Unfortunately, the reality is that our approach to public safety over the last 30+ years has too often resulted in tearing communities apart rather than building them up, and we all have been suffering the consequences.

Imagine, however, if our choices had been different. What if, instead of spending so many of our resources *responding* to crime and the symptoms of unhealthy communities, we had instead focused more on *preventing* crime and addressing its root causes? What if we hadn't made the long series of policy decisions that moved us from $90 billion in annual justice spending to nearly $297 billion? What could we have done with the extra $3.4 trillion that we would have saved over that 30-year period? How might that have benefitted countless children, families, and communities across the country? How many more healthy, safe, and thriving communities could we have created? How much stronger, more inclusive, and more equitable could our country have been as a result?

The short answer to all of those questions is that the $3.4 trillion in surplus justice spending could have instead created a much brighter past, present, and future for every single resident of the U.S. With those resources, we could have *ended inter-generational poverty* over the last 30 years.[45] We could have made literally life-changing investments in millions of families. Countless struggling communities could have been transformed with those resources. Millions of children who have had their educational and developmental needs neglected over the last 30 years could have had more opportunities to improve the quality of their lives.

To give a sense of what could have been accomplished with alternative investments, consider the examples within Chart 11 of what could be done differently with just one year's worth of surplus justice spending.[46]

Chart 11

THIS YEAR. . .

WOULD YOU RATHER?

Spend an extra $206 billion on police, prosecutors, courts, jails & prisons?	Create over one million new living-wage jobs ($114 billion)?	Create a universal pre-K system for all 3- and 4- year-olds that would be free for low-income families and affordable for middle-class families ($20 billion)?	Increase spending by 25% at every K-12 public school in the country ($159 billion)?
OR	Fund one million new social workers, psychologists, conflict mediators, mental health counselors, and drug treatment counselors ($67 billion)?	Provide healthcare for five million uninsured persons ($30 billion)?	Buy a $200,000 house for one million families living in poverty ($200 billion)?
	Increase the salary of every public school teacher in America by $10,000 ($31 billion)?	Provide a quality afterschool program for every child living in poverty in the country ($69 billion)?	Provide a child care tax credit of up to $14,000 per year for every child ages 0-5 from a low-income or middle-class family ($40 billion)?
	Create 400,000 summer and year-round jobs for youth from low-income families ($1.5 billion)?	Provide every household living in poverty with an additional $10,000/year in income or tax credits ($87 billion)?	Eliminate tuition at every public college and university in the country ($82 billion)?

That is just a thought experiment, but it has real implications, because we do not have to make that same mistakes over the next 30 years. However, if we do not change course, the consequences of this approach will only worsen over time. For example, even if we do not continue to increase our justice spending and merely maintain our current level, the $3.4 trillion mistake of the last 30 years will become an additional $6.2 trillion mistake over the next 30 years (see Chart 12).[47] That amounts to an average expense of $53,356 for every household in U.S,[48] and as we show in Chart 13, massive budgetary implications for every state in the U.S.[49]

$53,356

Average Cost per Household of Surplus Justice Spending, Next 30 Years

Chart 12

Impact of 30 More Years of an Over-Sized U.S. Justice System

(in 2016 dollars)

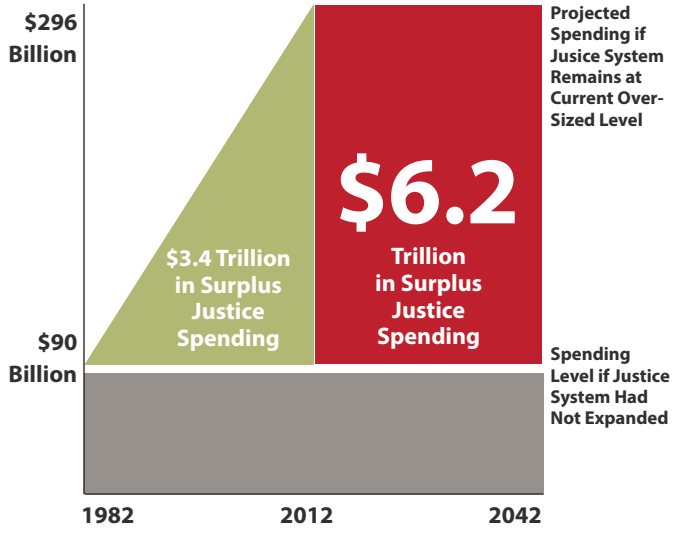
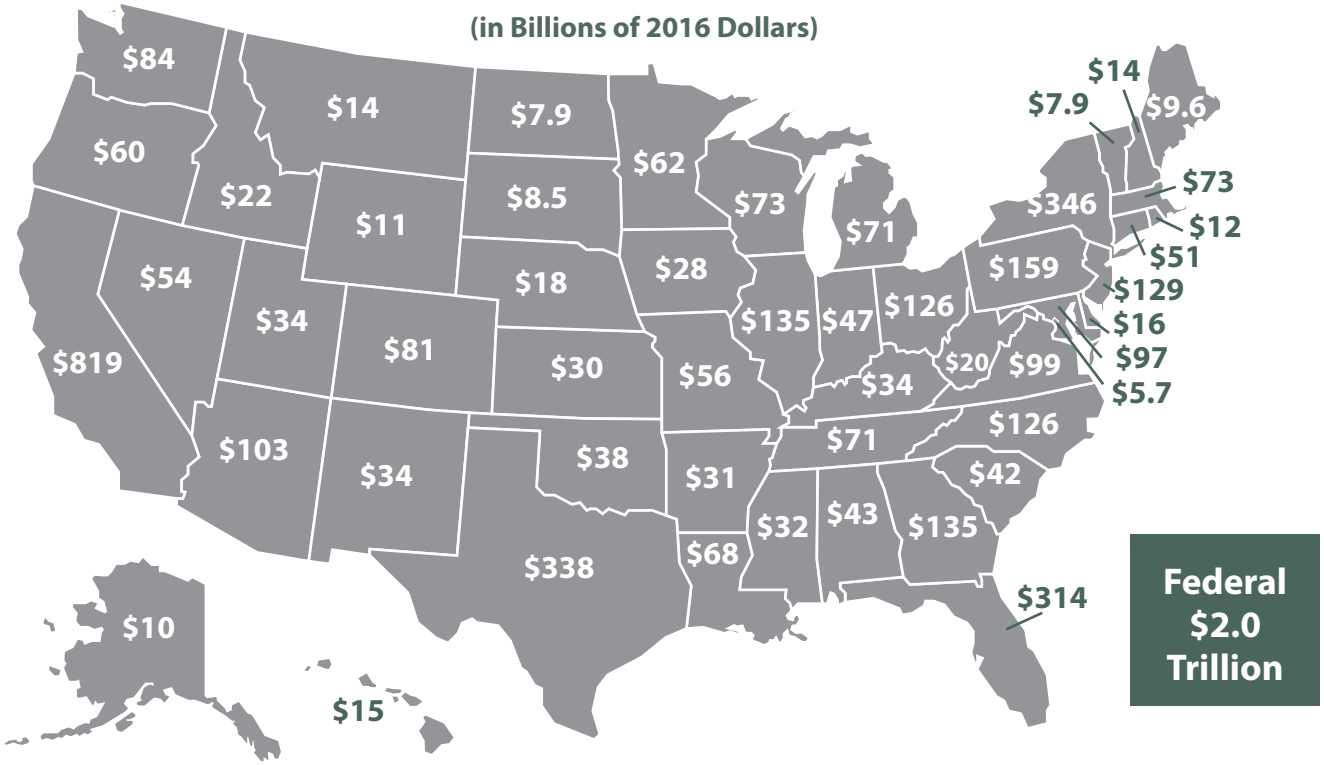


Chart 13

30 Additional Years of Surplus Spending

(assuming continuation of 2012 levels of spending)

(in Billions of 2016 Dollars)



Sources: Bureau of Justice Statistics, Dept. of Homeland Security, Dept. of Justice

However, these projections need not be our destiny. We can choose to make a different kind of investment in our communities, and in our country. For example, with $6.2 trillion we could make the kind of transformative improvements that we missed out on as a result of our choices over the last 30 years. We could create entirely new sets of possibilities for children, families, communities, and indeed, our entire country through investments in living-wage jobs, education, housing, healthcare, and community wraparound supports. We could make dramatic advances in addressing climate change, including transitioning the vast majority of our states to 100% clean, renewable energy sources. See Chart 14 for just a small sample of what would be possible if we elect to follow a different path.[50]

Chart 14

OVER THE NEXT 30 YEARS...

WOULD YOU RATHER?

Spend an extra $6.2 trillion on police, prosecutors, courts, jails & prisons?

OR

Create over 8 million living wage jobs ($1.6 trillion)?

Annually invest $1 billion in each of 100 low-income U.S. communities to implement a comprehensive community development plan ($3 trillion)?

Transition 39 out of 50 states to 100% clean and renewable energy sources ($6 trillion)?

Provide every child living in poverty with an additional annual investment of $10,000 in their education and other wraparound supports ($4.7 trillion)?

While most people would not necessarily view the alternative investments within Charts 11 and 14 as public safety initiatives, make no mistake: they are squarely directed at eliminating the greatest threats we face to our day-to-day security.[51] In fact, President Obama and the White House Council of Economic Advisers have recently advocated for investing in higher wages and greater education spending because such initiatives would reduce crime more effectively than incarceration.[52] But the benefits of these alternative investments extend far beyond addressing the root causes of crime and reducing the need for incarceration. They would also have a variety of additional, positive spillover effects. Plus, in stark contrast to the escalating costs of mass incarceration and criminalization, these alternatives typically produce reduced government spending over time.

For example, investing in education has direct effects on particular youth plus a wide variety of indirect effects on public health, and studies have found that every dollar invested in early childhood education yields seven dollars in public savings later on.[53] Investments in physical, mental, and behavioral health also generate positive effects broadly across society, and are far less costly than paying to address the cycle of crime and recidivism that comes from unmet health needs.[54] Investing in clean and renewable energy sources would create substantial improvements in overall health, lower energy costs for U.S. businesses, create millions of new jobs, and decrease our dependence on foreign oil.[55] It would also more than pay for itself in energy, health, and climate cost savings.[56] Thus, instead of the downward spiral of an oversized justice system, these types of investments create an *upward spiral* that promotes community health and well-being.

PART FOUR: THE SOLUTION - JUSTICE REINVESTMENT

Imagine if, back in 1982, our federal, state, and local policymakers had assembled the U.S. public and offered us a choice between two paths that we could take over the next 30 years. Path One would involve using our tax dollars to invest in the massive expansion of our justice system and a tripling of our incarcerated population. Path Two would make the same level of investment in addressing poverty, promoting full employment, improving educational opportunities, and building stronger, healthier communities and a more just and equitable society, while keeping the justice system at the same size. Would anyone but the most cynical among us have chosen Path One? Unfortunately, that is effectively what we did.

This choice was one on which Republicans and Democrats largely agreed, though the context has often been quite different. Democrats frequently supported this approach out of fear of being labeled as "soft on crime." Republicans were typically quite eager to make such accusations, and often supported the expansion of the justice system in one breath while professing devotion to small government in the next. So virtually every politician became an advocate for "tough on crime" approaches that were, in reality, tough on budgets and tough on communities, particularly low-income communities of color.

In spite of the considerable damage that has been done, it is not too late to roll back the excesses within our justice system. It is not too late to come to terms with the fact that we have not invested properly within many communities around the country and then subsequently punished them for our collective negligence through increased criminalization and incarceration. And it is not too late to level the playing field so that all communities have equal access to the resources they need to thrive. We can end the cycle of mass incarceration and criminalization while also actively building a stronger, healthier country through the creation of a robust "justice reinvestment" initiative.

There are three essential components to such an initiative, which we refer to as the Three Rs:

- **Right-Size:** The justice system needs to begin to operate in such a way that creates less work for itself, instead of more. That will require bringing fewer people into the system, keeping them in the system for shorter lengths of time, transitioning those currently within the system out of it in a responsible manner, and then reducing the size of the system (including all four areas: police, corrections, judicial/legal, and immigration enforcement) accordingly.

- **Re-Prioritize:** The justice system is very effective at fulfilling certain functions, but those functions are limited. Indeed, the justice system is best thought of as a blunt instrument. Unfortunately, the social problems we have tasked the justice system with addressing come in a variety of shapes and sizes that often require comprehensive, nuanced responses and nimble problem-solving. We simply cannot expect police to ensure public safety while also taking on tasks that would be more appropriate for social workers, psychologists, conflict mediators, and drug treatment counselors. Thus, we need to transition justice system personnel back to their primary function of addressing serious violent crime and other high-level safety threats and large-scale crimes, while letting others handle the vast majority of low-level public health and safety issues outside of the justice system.[57]

- **Reinvest:** To truly create the healthier and safer communities that will benefit every U.S. resident, we must address the root causes of crime and violence and dismantle the "cradle-to-prison pipeline" we have created in many communities.[58] By taking the savings realized from right-sizing and re-prioritizing and then investing them to meet our most acute education, employment, healthcare, housing, and environmental needs through the types of alternative public safety investments described above in Charts 11 and 14, we can:
    1) Target the community conditions that perpetuate the cycle of crime;
    2) Address the destabilizing effects that mass incarceration and criminalization have had on families and communities; and
    3) Provide formerly incarcerated persons a better chance to succeed outside of prison.

Existing Justice Reinvestment Efforts

There have been a number of state-level policymakers that have pursued justice reinvestment efforts in recent years, many of which have been supported by the Department of Justice. While these efforts should be commended for making the necessary initial steps along the path that we must take to address surplus justice spending, those initial steps have been quite small relative to the overall distance that must be traveled. For example, in 2014, the Urban Institute and the Department of Justice's Bureau of Justice Assistance analyzed the projections and results of 17 state-level justice reinvestment efforts, finding the following:

- None of the 17 efforts attempted to address any other category of justice spending besides corrections spending.
- While all of the efforts established goals for addressing their incarceration rates, not a single one of the 17 states projected even as much as a 20% decrease. Seven states actually projected that their incarcerated population would still increase, though at a slower rate.
- Each state projected savings on incarceration spending over a period of years. However, even if we take those numbers at face value, the total average annual savings for all 17 states would amount to only 1.4% of total justice spending for those states, and less than one-quarter of 1% of total justice spending nationwide.
- While most of the reinvestment projects had already been operational for several years before the Urban Institute's report in January 2014, the total reinvestment from all 17 sites up until that point was only $165.8 million, which amounts to one-third of 1% of a single year's justice spending in those states, and less than one-tenth of 1% of annual justice spending nationwide.
- Even those paltry levels of reinvestment are misleading, as many of those funds were "reinvested" in other justice system initiatives.
- A more promising example of reinvestment is Proposition 47, which was passed by California voters as a ballot initiative in 2014. It re-classified certain non-violent felony offenses as misdemeanors, applied those changes retroactively to currently- and formerly-incarcerated persons, and reinvests the resulting savings in education, mental health and drug abuse treatment, and services for crime victims.

Source: *Justice Reinvestment Initiative State Assessment Report* (2014), at http://www.urban.org/uploadedpdf/412994-Justice-Reinvestment-Initiative-State-Assessment-Report.pdf.

While the problems described above are large, and fully addressing them will require federal, state, and local initiatives, every single person can contribute to meaningful change in their own community by promoting, supporting, or actively participating in one of the following action steps:

ACTION STEPS

1. All applicable federal, state, and local government officials should take immediate steps to develop an inclusive and participatory process for reducing all four areas of surplus justice spending (police, corrections, judicial/legal, and immigration enforcement). The resulting savings should be reinvested in the following areas, with a particular emphasis on addressing the most critical needs within the communities most affected by mass incarceration and criminalization:
    a. Providing youth with high-quality educational and developmental opportunities;
    b. Creating additional living-wage jobs;
    c. Expanding the availability of affordable housing;
    d. Broadening access to first-rate physical, mental, and behavioral healthcare;
    e. Making meaningful advances in addressing the effects of environmental degradation and climate change; and
    f. Providing alternatives to justice-system involvement such as restorative justice programs and increased use of social workers, psychologists, conflict mediators, mental health counselors, and drug treatment counselors.

2. The federal government should launch a new **Justice Reinvestment Fund** to dramatically expand the support and incentives for states and localities that engage in inclusive and participatory processes to reduce all categories of justice spending and reinvest in the priorities listed above in Action Step #1.

3. State governments should require and/or incentivize localities to engage in inclusive and participatory justice reinvestment processes that result in the type of reduced justice spending and reinvestment described in #1.

There are those who might be reluctant to make the types of alternative investments described above, particularly in the communities most affected by surplus justice spending. What they need to recognize is that we are *already* making massive investments in those communities. But instead of investing in the education, employment, or health of individuals from those communities, we have been investing in their criminalization and incarceration. And we will continue to do so unless we shift our approach.

So we face a choice. Do we go down Path One again, and continue to spend a massive amount of resources to lock up our most vulnerable and marginalized residents? Or do we choose Path Two and start to make smart, positive investments in our children, families, and communities?

The decision should be easy this time.

APPENDIX[59]

The Dramatic Expansion of the U.S. Justice System: Spending Sources: Bureau of Justice Statistics, Department of Homeland Security, Department of Justice				
	1982 Justice Spending (in 2016 dollars)	2012 Justice Spending (in 2016 dollars)	Difference	Surplus Justice Spending (Total Spent Above 1982 Level, from 1983 to 2012) (in 2016 dollars)
Federal	$12 Billion	$78 Billion	**538%**	**$955 Billion**
Alabama	$965 Million	$2.4 Billion	**147%**	**$24 Billion**
Alaska	$609 Million	$945 Million	**55%**	**$2.9 Billion**
Arizona	$1.4 Billion	$4.8 Billion	**248%**	**$59 Billion**
Arkansas	$396 Million	$1.4 Billion	**257%**	**$17 Billion**
California	$12 Billion	$39 Billion	**233%**	**$505 Billion**
Colorado	$1.0 Billion	$3.7 Billion	**267%**	**$43 Billion**
Connecticut	$926 Million	$2.6 Billion	**185%**	**$34 Billion**
Delaware	$262 Million	$785 Million	**200%**	**$8.7 Billion**
District of Columbia	$764 Million	$955 Million	**25%**	**$8.1 Billion**
Florida	$3.7 Billion	$14 Billion	**283%**	**$206 Billion**
Georgia	$1.5 Billion	$6.0 Billion	**292%**	**$77 Billion**
Hawaii	$399 Million	$894 Million	**124%**	**$9.8 Billion**
Idaho	$215 Million	$938 Million	**336%**	**$11 Billion**
Illinois	$4.0 Billion	$8.5 Billion	**112%**	**$83 Billion**
Indiana	$1.1 Billion	$2.7 Billion	**140%**	**$33 Billion**
Iowa	$694 Million	$1.6 Billion	**134%**	**$15 Billion**
Kansas	$594 Million	$1.6 Billion	**169%**	**$19 Billion**
Kentucky	$891 Million	$2.0 Billion	**127%**	**$20 Billion**
Louisiana	$1.5 Billion	$3.8 Billion	**152%**	**$30 Billion**
Maine	$236 Million	$557 Million	**136%**	**$6.7 Billion**
Maryland	$1.7 Billion	$4.9 Billion	**194%**	**$56 Billion**
Massachusetts	$1.9 Billion	$4.3 Billion	**131%**	**$55 Billion**
Michigan	$3.6 Billion	$6.0 Billion	**66%**	**$62 Billion**
Minnesota	$1.2 Billion	$3.3 Billion	**173%**	**$37 Billion**
Mississippi	$457 Million	$1.5 Billion	**236%**	**$16 Billion**
Missouri	$1.3 Billion	$3.2 Billion	**146%**	**$33 Billion**
Montana	$218 Million	$691 Million	**217%**	**$6.1 Billion**
Nebraska	$382 Million	$976 Million	**156%**	**$9.4 Billion**
Nevada	$553 Million	$2.4 Billion	**328%**	**$29 Billion**
New Hampshire	$221 Million	$677 Million	**206%**	**$8.9 Billion**
New Jersey	$2.9 Billion	$7.2 Billion	**150%**	**$90 Billion**
New Mexico	$521 Million	$1.6 Billion	**215%**	**$17 Billion**
New York	$8.7 Billion	$20 Billion	**132%**	**$232 Billion**
North Carolina	$1.6 Billion	$5.8 Billion	**267%**	**$64 Billion**
North Dakota	$151 Million	$416 Million	**175%**	**$2.2 Billion**

	1982 Justice Spending (in 2016 dollars)	2012 Justice Spending (in 2016 dollars)	Difference	Surplus Justice Spending (Total Spent Above 1982 Level, from 1983 to 2012) (in 2016 dollars)
Ohio	$2.9 Billion	$7.1 Billion	**146%**	**$94 Billion**
Oklahoma	$770 Million	$2.0 Billion	**163%**	**$21 Billion**
Oregon	$952 Million	$2.9 Billion	**209%**	**$32 Billion**
Pennsylvania	$3.4 Billion	$8.7 Billion	**154%**	**$91 Billion**
Rhode Island	$300 Million	$712 Million	**137%**	**$8.5 Billion**
South Carolina	$706 Million	$2.1 Billion	**200%**	**$29 Billion**
South Dakota	$148 Million	$431 Million	**191%**	**$4.1 Billion**
Tennessee	$1.1 Billion	$3.5 Billion	**214%**	**$40 Billion**
Texas	$4.0 Billion	$15 Billion	**284%**	**$196 Billion**
Utah	$461 Million	$1.6 Billion	**248%**	**$19 Billion**
Vermont	$126 Million	$390 Million	**209%**	**$3.8 Billion**
Virginia	$1.8 Billion	$5.1 Billion	**186%**	**$57 Billion**
Washington	$1.4 Billion	$4.2 Billion	**196%**	**$53 Billion**
West Virginia	$321 Million	$973 Million	**203%**	**$7.9 Billion**
Wisconsin	$1.7 Billion	$4.1 Billion	**142%**	**$41 Billion**
Wyoming	$223 Million	$578 Million	**160%**	**$4.5 Billion**

The Dramatic Expansion of the U.S. Justice System: Personnel

(Excluding Immigration Enforcement)

Sources: Bureau of Justice Statistics

	1983 Police Personnel	2012 Police Personnel	Increase	1983 Corrections Personnel	2012 Corrections Personnel	Increase	1983 Judicial/ Legal Personnel	2012 Judicial/ Legal Personnel	Increase
Federal	63,898	192,354	**201%**	10,110	37,955	**275%**	29,834	62,756	**110%**
Alabama	8,757	15,139	**73%**	3,848	8,670	**125%**	3,074	5,189	**69%**
Alaska	1,312	2,062	**57%**	757	2,033	**169%**	1,035	1,620	**57%**
Arizona	8,557	19,735	**131%**	4,443	16,039	**261%**	3,193	10,658	**234%**
Arkansas	4,446	8,905	**100%**	2,053	7,918	**286%**	1,300	3,439	**165%**
California	67,771	104,338	**54%**	35,360	87,240	**147%**	24,129	44,286	**84%**
Colorado	8,242	15,283	**85%**	3,016	11,021	**265%**	3,361	7,508	**123%**
Connecticut	8,353	10,891	**30%**	3,327	6,878	**107%**	2,265	5,329	**135%**
Delaware	1,507	2,543	**69%**	1,596	2,895	**81%**	1,019	1,886	**85%**
District of Columbia	4,409	4,386	**-1%**	2,706	1,271	**-53%**	1,258	2,139	**70%**
Florida	31,238	67,808	**117%**	18,363	42,432	**131%**	11,266	31,418	**179%**
Georgia	14,239	28,410	**100%**	9,741	27,884	**186%**	4,504	15,274	**239%**
Hawaii	2,711	3,859	**42%**	904	2,271	**151%**	1,750	3,072	**76%**
Idaho	2,226	4,210	**89%**	689	3,806	**452%**	838	2,120	**153%**
Illinois	36,697	51,536	**40%**	11,608	21,557	**86%**	10,198	15,747	**54%**
Indiana	11,618	16,962	**46%**	5,443	12,834	**136%**	3,945	8,030	**104%**
Iowa	5,728	7,715	**35%**	2,412	4,800	**99%**	1,897	3,165	**67%**
Kansas	5,884	9,552	**62%**	2,254	6,574	**192%**	2,483	4,104	**65%**
Kentucky	7,121	10,535	**48%**	3,852	8,448	**119%**	2,943	7,403	**152%**
Louisiana	11,474	18,651	**63%**	7,246	13,211	**82%**	4,522	8,192	**81%**
Maine	2,247	3,368	**50%**	1,095	2,007	**83%**	625	995	**59%**

	1983 Police Personnel	2012 Police Personnel	Increase	1983 Corrections Personnel	2012 Corrections Personnel	Increase	1983 Judicial/ Legal Personnel	2012 Judicial/ Legal Personnel	Increase
Maryland	12,674	19,189	**51%**	7,852	16,038	**104%**	4,215	8,696	**106%**
Massachusetts	15,933	27,646	**74%**	6,942	6,141	**-12%**	5,154	9,487	**84%**
Michigan	20,509	23,945	**17%**	9,836	19,485	**98%**	8,646	10,868	**26%**
Minnesota	7,855	16,784	**114%**	3,696	9,384	**154%**	3,346	6,278	**88%**
Mississippi	5,114	10,353	**102%**	2,310	5,698	**147%**	1,180	3,387	**187%**
Missouri	13,791	19,326	**40%**	4,717	15,571	**230%**	4,815	8,721	**81%**
Montana	1,923	2,709	**41%**	830	1,890	**128%**	742	1,811	**144%**
Nebraska	3,538	5,251	**48%**	1,797	4,487	**150%**	1,352	2,139	**58%**
Nevada	3,138	8,659	**176%**	1,746	6,434	**268%**	1,128	3,714	**229%**
New Hampshire	2,192	4,407	**101%**	730	1,932	**165%**	494	1,418	**187%**
New Jersey	27,559	37,323	**35%**	12,232	15,125	**24%**	9,985	21,007	**110%**
New Mexico	3,944	6,212	**58%**	2,223	6,096	**174%**	1,381	3,783	**174%**
New York	60,816	90,771	**49%**	35,229	57,969	**65%**	21,790	34,116	**57%**
North Carolina	13,639	28,986	**113%**	9,347	25,582	**174%**	4,064	8,130	**100%**
North Dakota	1,378	1,670	**21%**	441	1,413	**220%**	651	1,017	**56%**
Ohio	23,834	34,114	**43%**	10,048	21,243	**111%**	9,834	20,233	**106%**
Oklahoma	7,975	11,696	**47%**	4,339	6,727	**55%**	2,308	4,776	**107%**
Oregon	6,109	9,275	**52%**	3,082	8,734	**183%**	3,119	4,894	**57%**
Pennsylvania	28,329	39,008	**38%**	10,197	32,560	**219%**	12,348	18,394	**49%**
Rhode Island	2,550	3,451	**35%**	951	1,570	**65%**	786	1,278	**63%**
South Carolina	6,633	14,375	**117%**	4,177	11,883	**184%**	2,083	4,915	**136%**
South Dakota	1,459	2,125	**46%**	458	1,633	**257%**	606	1,025	**69%**
Tennessee	10,722	21,231	**98%**	6,015	12,362	**106%**	2,751	7,666	**179%**
Texas	36,547	75,618	**107%**	16,585	70,215	**323%**	10,938	28,269	**158%**
Utah	3,197	7,491	**134%**	1,272	5,365	**322%**	1,202	3,207	**167%**
Vermont	1,100	1,756	**60%**	458	1,109	**142%**	399	744	**86%**
Virginia	12,588	22,497	**79%**	11,097	21,668	**95%**	3,452	9,280	**169%**
Washington	8,525	15,179	**78%**	5,041	13,608	**170%**	3,649	8,377	**130%**
West Virginia	3,443	4,272	**24%**	1,079	3,548	**229%**	1,410	2,823	**100%**
Wisconsin	11,716	17,979	**53%**	4,497	14,117	**214%**	3,766	6,121	**63%**
Wyoming	1,812	2,074	**14%**	556	2,087	**275%**	586	1,075	**83%**

The Dramatic Expansion of the U.S. Justice System: Correctional Population

Sources: Bureau of Justice Statistics

	1980 Prison & Jail Population	1980 Probation & Parole Population	1980 Total Correctional Population	2013 Prison & Jail Population	2013 Probation & Parole Population	2013 Total Correctional Population	Increase in Correctional Population, 1980-2013
Federal	24,363	69,021	93,384	215,100	130,377	345,477	**270%**
Alabama	10,429	13,532	23,961	46,000	70,984	116,984	**388%**
Alaska	873	1,311	2,184	5,100	9,154	14,254	**553%**
Arizona	6,963	13,677	20,640	55,200	79,912	135,112	**555%**
Arkansas	3,697	5,255	8,952	22,800	53,173	75,973	**749%**
California	50,462	164,531	214,993	218,800	390,113	608,913	**183%**
Colorado	4,630	13,165	17,795	32,100	89,251	121,351	**582%**
Connecticut	4,551	24,913	29,464	17,600	50,591	68,191	**131%**
Delaware	1,361	4,381	5,742	7,000	16,242	23,242	**305%**
District of Columbia	3,170	9,607	12,777	2,400	13,979	16,379	**28%**

	1980 Prison & Jail Population	1980 Probation & Parole Population	1980 Total Correctional Population	2013 Prison & Jail Population	2013 Probation & Parole Population	2013 Total Correctional Population	Increase in Correctional Population, 1980-2013
Florida	33,117	47,729	80,846	154,500	245,145	399,645	**394%**
Georgia	19,728	61,619	81,347	91,600	540,569	632,169	**677%**
Hawaii	1,093	4,845	5,938	5,600	23,870	29,470	**396%**
Idaho	1,369	2,458	3,827	10,200	34,826	45,026	**1077%**
Illinois	20,124	72,867	92,991	69,300	151,963	221,263	**138%**
Indiana	9,155	20,678	29,833	45,400	133,403	178,803	**499%**
Iowa	3,295	9,454	12,749	12,700	34,484	47,184	**270%**
Kansas	3,294	11,184	14,478	16,600	22,147	38,747	**168%**
Kentucky	5,966	20,520	26,486	32,100	72,136	104,236	**294%**
Louisiana	15,151	16,939	32,090	50,100	69,845	119,945	**274%**
Maine	1,279	2,632	3,911	3,800	6,963	10,763	**175%**
Maryland	11,152	48,097	59,249	32,700	46,771	79,471	**34%**
Massachusetts	5,983	23,633	29,616	21,400	70,803	92,203	**211%**
Michigan	20,951	31,620	52,571	60,200	202,144	262,344	**399%**
Minnesota	3,453	28,534	31,987	15,700	111,929	127,629	**299%**
Mississippi	5,560	7,156	12,716	28,800	37,572	66,372	**422%**
Missouri	8,103	19,795	27,898	44,500	76,379	120,879	**333%**
Montana	1,001	2,703	3,704	6,000	9,238	15,238	**311%**
Nebraska	1,939	8,272	10,211	8,500	14,460	22,960	**125%**
Nevada	2,151	6,041	8,192	19,900	16,700	36,600	**347%**
New Hampshire	540	2,104	2,644	4,800	6,255	11,055	**318%**
New Jersey	10,100	38,150	48,250	37,600	129,581	167,181	**246%**
New Mexico	1,628	3,678	5,306	15,500	19,393	34,893	**558%**
New York	34,702	83,343	118,045	81,400	156,426	237,826	**101%**
North Carolina	19,306	42,963	62,269	55,300	100,429	155,729	**150%**
North Dakota	473	1,057	1,530	2,700	5,218	7,918	**418%**
Ohio	19,279	33,849	53,128	69,800	271,711	341,511	**543%**
Oklahoma	6,178	16,592	22,770	37,900	27,816	65,716	**189%**
Oregon	5,161	14,939	20,100	22,900	59,745	82,645	**311%**
Pennsylvania	15,105	59,827	74,932	85,500	254,540	340,040	**354%**
Rhode Island	823	5,758	6,581	3,400	24,299	27,699	**321%**
South Carolina	9,781	23,713	33,494	32,600	40,625	73,225	**119%**
South Dakota	871	4,498	5,369	5,300	9,505	14,805	**176%**
Tennessee	11,188	12,227	23,415	48,100	77,110	125,210	**435%**
Texas	40,630	149,231	189,861	221,800	517,941	739,741	**290%**
Utah	1,612	7,656	9,268	12,500	14,365	26,865	**190%**
Vermont	495	3,393	3,888	2,100	6,992	9,092	**134%**
Virginia	14,942	16,246	31,188	58,800	55,498	114,298	**266%**
Washington	7,329	27,196	34,525	29,700	100,361	130,061	**277%**
West Virginia	1,968	3,125	5,093	9,700	10,517	20,217	**297%**
Wisconsin	5,977	21,727	27,704	34,800	66,268	101,068	**265%**
Wyoming	665	1,094	1,759	3,800	5,628	9,428	**436%**

ENDNOTES

1 Charles G. Koch & Mark V. Holden, "The Overcriminalization of America," (1/7/15), Politico, at http://www.politico.com/magazine/story/2015/01/overcriminalization-of-america-113991.

2 Pew Center on the States, *Time Served: The High Cost, Low Return of Longer Prison Terms* (June 2012), at http://www.pewtrusts.org/~/media/legacy/uploadedfiles/wwwpewtrustsorg/reports/sentencing_and_corrections/prisontimeservedpdf.pdf; The Sentencing Project, *Life Goes On: The Historic Rise in Life Sentences in America* (9/18/13).

3 For example, 27% of elementary schools reported having either a school resource officer or another sworn law enforcement officer on campus at least once a week in the 2013-14 school year. National Center for Education Statistics, *Public School Safety and Discipline: 2013-14* (May 2015), pg. 10, at http://nces.ed.gov/pubs2015/2015051.pdf.

4 *See, e.g.,* "5-Year-Old Handcuffed, Placed in Police Car at School" (5/6/15), CNN, at http://www.cnn.com/videos/us/2015/05/06/pkg-five-year-old-handcuffed-by-police.wwny.

5 National Law Center on Homelessness & Poverty, *No Safe Place: The Criminalization of Homelessness in U.S. Cities*, at http://www.nlchp.org/documents/No_Safe_Place.

6 Bureau of Justice Statistics, *Drugs and Crime Facts*, at http://www.bjs.gov/content/dcf/duc.cfm.

7 *See, e.g.,* Advancement Project, *Test, Punish, and Push Out: How "Zero Tolerance" and High-Stakes Testing Funnel Youth Into the School-to-Prison Pipeline* (March 2010), pg. 16, at http://b.3cdn.net/advancement/d05cb2181a4545db07_r2im6caqe.pdf.

8 1982 United Nations Survey of Crime Trends and Operations of Criminal Justice Systems, at http://www.icpsr.umich.edu/icpsrweb/NACJD/studies/26462.

9 Bureau of Justice Statistics, *Jail Inmates 1982* (Feb. 1983); Bureau of Justice Statistics, *Prisoners in 1982* (April 1983); Institute for Criminal Policy Research, *World Prison Brief*, at http://prisonstudies.org/highest-to-lowest/prison-population-total?field_region_taxonomy_tid=All.

10 All justice spending figures come from the following sources: Bureau of Justice Statistics, *Justice Expenditures & Employment Extracts Series*, at http://www.bjs.gov/index.cfm?ty=tp&tid=5; Department of Justice, *Immigration & Naturalization Service Budget: 1975-2003*, at http://www.justice.gov/archive/jmd/1975_2002/2002/html/page104-108.htm (for 1982-2002 immigration enforcement spending); Department of Homeland Security, *Annual Budgets*, at http://www.dhs.gov/dhs-budget (using actual expenditures on Immigration & Customs Enforcement, Customs & Border Protection, and US-VISIT programs for 2003-2012); *see also* Migration Policy Institute, *Immigration Enforcement in the U.S.: The Rise of a Formidable Machinery* (Jan. 2013). The figures were adjusted to 2016 dollars using the CPI conversion tables produced by Professor Robert Sahr. Oregon State University, College of Liberal Arts – School of Public Policy, *Individual Year Conversion Factor Tables*, at http://liberalarts.oregonstate.edu/spp/polisci/faculty-staff/robert-sahr/inflation-conversion-factors-years-1774-estimated-2024-dollars-recent-years/individual-year-conversion-factor-table-0. 1982 was chosen as the starting point for the analysis because of the clear escalation of spending in the early 1980s and the lack of complete data for 1980 and 1981. Note that some civil judicial functions are included in the judicial/legal category (for example, state appellate and supreme courts hear both civil and criminal cases, and those expenditures were not differentiated by the Bureau of Justice Statistics). However, the Bureau of Justice Statistics figures do not take into account many additional spending areas. *See* Vera Institute of Justice, *The Price of Prisons: What Incarceration Costs Taxpayers* (Jan. 2012), at http://www.vera.org/sites/default/files/resources/downloads/price-of-prisons-updated-version-021914.pdf. Note also that the data on state-level justice spending was not available for 2001 and 2003; thus, those figures were estimated as the average of the year before and the year after.

11 *See, e.g.,* The Sentencing Project, *Criminal Justice Facts*, at http://www.sentencingproject.org/criminal-justice-facts/.

12 This is the most recent year for which this dataset is available.

13 *Supra* note 10.

14 *Id*.

15 *Supra* note 9.

16 Bureau of Justice Statistics, *Correctional Populations in the United States, 2013*.

17 *Supra* note 10.

18 Based on 83,918,000 households in 1982. Bureau of the Census, *Money Income of Households, Families, and Persons in the United States: 1982*, pg. 5, at https://www2.census.gov/prod2/popscan/p60-142.pdf.

19 Based on 116,000,000 households in 2012. United States Census Bureau, *American FactFinder, Table NP01: Population and Housing Narrative Profile: 2012, 2012 American Community Survey 1-Year Estimates.*

20 *Supra* note 10.

21 Bureau of Justice Statistics, *Justice Expenditure and Employment, 1983* (July 1986), at http://www.bjs.gov/content/pub/pdf/jee83.pdf. Data was unavailable for 1982.

22 *Supra* note 10; data for the number of immigration enforcement employees was not available.

23 *Id.*

24 *Id.*

25 *See, e.g.,* National Research Council of the National Academies, *The Growth of Incarceration in the United States: Exploring Causes and Consequences* (2014), National Academies Press; The Sentencing Project, *Incarceration and Crime: A Complex Relationship* (2005), at http://www.sentencingproject.org/wp-content/uploads/2016/01/Incarceration-and-Crime-A-Complex-Relationship.pdf.

26 *Id.*; Jason Furman, Chairman, White House Council of Economic Advisors, *Economic Perspectives on Incarceration and the Criminal Justice System* (4/25/16), at https://www.whitehouse.gov/sites/default/files/page/files/20160425_cea_cj_event.pdf; Fight Crime: Invest in Kids, *Proven Investments in Kids Will Reduce Crime and Violence* (2014), at http://www.fightcrime.org/wp-content/uploads/FCIK-4-Part-Plan.pdf; Advancement Project, *A Call to Action: Los Angeles' Quest to Achieve Community Safety,* at http://static1.squarespace.com/static/55b673c0e4b0cf84699bdffb/t/55b8418de4b093f26297b627/1438138765761/AP+Call+To+Action_LA+Quest+to+Achieve+Community+Safety+FINAL+2013.pdf; Justice Policy Institute, *Money Well Spent: How Positive Social Investments Will Reduce Incarceration Rates, Improve Public Safety, and Promote the Well-Being of Communities* (Sept. 2010), at http://www.justicepolicy.org/uploads/justicepolicy/documents/10-09_rep_moneywellspent_ps-dc-ac-jj.pdf; James Austin, Eric Cadora, et al., *Ending Mass Incarceration: Charting a New Justice Reinvestment,* at http://sentencingproject.org/doc/publications/publications/inc_Ending%20Mass%20Incarceration.pdf; Human Impact Partners, *Rehabilitating Corrections in California*: *The Health Impacts of Proposition 47* (Sept. 2014); *see also* President Barack Obama, "Weekly Address: Building a Fairer and More Effective Criminal Justice System" (4/23/16), at https://www.youtube.com/embed/wRQQieBI0AM.

27 *Supra* notes 25 and 26; *see generally* The Sentencing Project, at http://www.sentencingproject.org; Urban Institute Justice Policy Center, at http://www.urban.org/policy-centers/justice-policy-center; Vera Institute, at http://www.vera.org; American Civil Liberties Union, *Mass Incarceration*, at https://www.aclu.org/issues/mass-incarceration; Pew Center on the States, *Public Safety Performance Project*, at http://www.pewtrusts.org/en/projects/public-safety-performance-project/about; Council of State Governments Justice Center, at https://csgjusticecenter.org.

28 *See also* John Tierney, "Prison and the Poverty Trap" (2/18/13), NY Times, at http://www.nytimes.com/2013/02/19/science/long-prison-terms-eyed-as-contributing-to-poverty.html?pagewanted=all&_r=1; Justice Mapping Center, at http://www.justicemapping.org; *Chicago's Million Dollar Blocks*, at http://chicagosmilliondollarblocks.com.

29 *See also id.;* Koch & Holden, *supra* note 1 (it has been estimated that at least 53% of those entering prison were living at or below the U.S. poverty line when their sentence began); Institute for Policy Studies, *The Poor Get Prison: The Alarming Spread of the Criminalization of Poverty* (3/18/15), at http://www.ips-dc.org/the-poor-get-prison-the-alarming-spread-of-the-criminalization-of-poverty/.

30 *See also, e.g.,* William J. Stuntz, *Unequal Justice* (June 2008), Harvard Law Review.

31 *See also* The Sentencing Project, *Black Lives Matter: Eliminating Racial Inequity in the Criminal Justice System,* at http://sentencingproject.org/doc/publications/rd_Black_Lives_Matter.pdf; Center for Popular Democracy & PolicyLink, *Building Momentum from the Ground Up: A Toolkit for Promoting Justice in Policing* (April 2015), at http://populardemocracy.org/sites/default/files/Justice-In-Policing-Toolkit-sm.pdf.

32 President Barack Obama, *supra* note 26.

33 National Research Council, *supra* note 25, pg. 317. Moreover, research indicates that this approach has subsequently created *more* poverty. According to a study from Villanova University, had it not been for mass incarceration, the official poverty rate would have fallen by more than 20% since the early 1980s, and several million fewer people would now be in poverty. Robert H. DeFina & Lance Hannon, *The Impact of Mass Incarceration on Poverty* (2/12/09), Crime and Delinquency, at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1348049.

34 *See, e.g.,* Russell Berman, "The Moment for Criminal Justice Reform?" (7/10/15), The Atlantic.

35 *Supra* note 10.

36 *Id.*

37 American Civil Liberties Union, *War Comes Home: The Excessive Militarization of American Police* (June 2014) at https://www.aclu.org/report/war-comes-home-excessive-militarization-american-police; Alex Kane, "11 Shocking Facts About America's Militarized Police Forces" (6/27/14), Alternet, at http://www.alternet.org/civil-liberties/11-shocking-facts-about-americas-militarized-police-forces.

38 Seth Stoughton, *Law Enforcement's "Warrior" Problem* (4/10/15), Harvard Law Review, at http://harvardlawreview.org/2015/04/law-enforcements-warrior-problem/.

39 *See supra* note 27.

40 Matt Zapotosky, "Justice Department Warns Local Courts About Unlawful Fines and Fees" (3/14/16), Washington Post, at https://www.washingtonpost.com/world/national-security/justice-department-warns-local-courts-about-unlawful-fines-and-fees/2016/03/13/c475df18-e939-11e5-a6f3-21ccdbc5f74e_story.html?hpid=hp_hp-more-top-stories_municourts-730a%3Ahomepage%2Fstory.

41 For example, just in New York City, there were more than half a million people who were "stopped and frisked" in 2012. New York Civil Liberties Union, *Stop-and-Frisk Data*, at http://www.nyclu.org/content/stop-and-frisk-data.

42 *See, e.g., supra* note 38.

43 *Supra* note 26.

44 President Barack Obama, "Remarks by the President at the NAACP Conference" (7/14/15), at https://www.whitehouse.gov/the-press-office/2015/07/14/remarks-president-naacp-conference ("We ask police to go in there and do the tough job of trying to contain the hopelessness when we are not willing to make the investments to help lift those communities out of hopelessness.").

45 For example, if we had taken the surplus justice spending from 1983-2012 and instead divided it up among the 13.6 million youth living in poverty in the U.S. in 1982 (either in cash or through public benefits), every one of those children would have had an additional quarter-of-a-million dollars invested in them.

46 *Emergency Jobs to Restore the American Dream Act*, at https://schakowsky.house.gov/emergency-jobs-to-restore-the-american-dream-act#longsummary (one-half of $227 billion cost over two years); Center for American Progress, *Investing in Our Children: A Plan to Expand Access to Preschool and Child Care* (2/6/13), at https://cdn.americanprogress.org/wp-content/uploads/2013/02/SashaEarlyChildhood-4.pdf ($20 billion figure was estimated as the average annual cost given the total cost of $197 billion over 10 years); National Center for Education Statistics, *Fast Facts*, at http://nces.ed.gov/fastfacts/display.asp?id=372 (projecting total expenditures for public elementary and secondary schools to be $634 billion for the 2015–16 school year, and the total number of teachers to be 3.1 million); White House Council of Economic Advisors; *Missed Opportunities: The Consequences of State Decisions Not to Expand Medicaid* (July 2014), at https://www.whitehouse.gov//sites/default/files/docs/missed_opportunities_medicaid_0.pdf; Telesur English, "Venezuelan Housing Program Hands Over Millionth Home" (1/1/16), at http://venezuelanalysis.com/news/11795; United States Census Bureau, *Historical Poverty Tables – People, Table 3: Poverty Status, by Age, Race, and Hispanic Origin*, at https://www.census.gov/hhes/www/poverty/data/historical/people.html (15,540,000 million children living in poverty in 2014); Jean Baldwin Grossman, Christianne Lind, et al., *The Cost of Quality Out-of-School-Time Programs*, at http://www.wallacefoundation.org/knowledge-center/after-school/key-research/Documents/The-Cost-of-Quality-of-Out-of-School-Time-Programs.pdf (assuming $4,450 per child, which was midpoint of average full cost of $4,320 for elementary/middle school students and $4,580/year for teens) (note that the overall cost figure for afterschool programs is far higher than it would cost to create such an initiative, because the number of poor children includes infants and other young children not enrolled in school, and many children living in poverty are already participating in afterschool programs); Center for American Progress, *A New Vision for Child Care in the United States* (Sept. 2015), at https://cdn.americanprogress.org/wp-content/uploads/2015/08/31111043/Hamm-Childcare-report.pdf; *Fact Sheet on Sanders-Stabenow-Murray-Gillibrand-Cardin-Whitehouse Youth Jobs Amendment*, at http://www.sanders.senate.gov/imo/media/doc/FactSheet.pdf; United States Census Bureau, *American FactFinder, Table B17026: Ratio of Income to Poverty Level of Families in the Past 12 Months, 2014 American Community Survey 1-Year Estimates* (8,738,311 families under the poverty level); National Center for Education Statistics, *Table 105.20, Enrollment in Elementary, Secondary, and Degree-Granting Postsecondary Institutions, By Level and Control of Institution, Enrollment Level, and Attendance Status and Sex of Student: Selected Years, Fall 1990 Through Fall 2024* (13,347,000 students enrolled in public universities in the Fall of 2013); National Center for Education Statistics, *Table 330.10, Average Undergraduate Tuition and Fees and Room and Board Rates Charged for Full-Time Students in Degree-Granting Postsecondary Institutions, By Level and Control of Institution: 1963-64 through 2013-14* (average tuition of $6,122 at public colleges and universities in 2013-14). Figure related to additional social workers, psychologists, conflict mediators, mental health counselors, and drug treatment counselors is based on an average salary of $50,000 plus 33% fringe benefits.

47 *Supra* note 10.

48 *Supra* note Of course, the dramatic effects of this expansion on our local, state, and federal budgets ultimately create a similarly dramatic impact on individual taxpayers. For example, in 1982, each household in the U.S. paid an average of $1,076 for our justice system.18 By 2012, each household was paying an average of $2,557, almost $1,500 more.19 (assumes that number of households will remain constant over the next 30 years).

49 *Supra* note 10.

50 Congressional Progressive Caucus, *The People's Budget: A Raise for America*, at http://cpc.grijalva.house.gov/uploads/FINAL%20FY16%20Peoples%20Budget.pdf; *The Solutions Project: 100% Wind, Water, and Solar (WWS) All-Sector Energy Roadmaps for Countries and States*, at http://stanford.edu/group/efmh/jacobson/Articles/I/WWS-50-USState-plans.html; United States Census Bureau, *supra* note 46.

51 *Supra* note 26.

52 *Id.*

53 *Supra* note 26; *see also* "Opening Remarks of U.S. Secretary of Education Arne Duncan at the Panel 'The Obama Preschool Initiative' (5/29/13), http://www.ed.gov/news/speeches/opening-remarks-us-secretary-education-arne-duncan-panel-obama-preschool-initiative; *The Heckman Equation*, at http://heckmanequation.org.

54 *See, e.g., supra* note 26; Californians for Safety and Justice, *Increasing Public Safety Through Health Care Reform*, at http://libcloud.s3.amazonaws.com/211/f6/4/142/HealthCareReform_FactSheet_03_07_13v3.pdf.

55 *See* The Solutions Project, at http://thesolutionsproject.org.

56 *Id.*

57 To be sure, many law enforcement officials and policymakers have recognized these trends and have attempted to address them at various levels. For example, many law enforcement agencies and courts have taken to offering diversion programs as a way to reduce arrests and incarceration. While these programs are typically far better than what they are replacing, most of them still often reside within the ambit of the justice system. Oftentimes, they involve police and other justice system officials taking on the roles of quasi-social workers, -counselors, and -conflict mediators. These efforts may be admirable, but they nevertheless demonstrate that it would be preferable to hire individuals that specialize in those areas rather than having police officers and other justice system officials take on dual roles that go beyond their specialty.

58 Children's Defense Fund, *America's Cradle-to-Prison Pipeline* (2007), at http://www.childrensdefense.org/library/data/cradle-prison-pipeline-report-2007-full-lowres.pdf.

59 State-by-state 1982 data was not available for the second table (personnel) and the third table (correctional population); thus, the closest available year was used for comparison. *Supra* note 10; *supra* note 21; Bureau of Justice Statistics, *Probation and Parole 1981* (Aug. 1982), at http://www.bjs.gov/content/pub/pdf/pp81.pdf; Bureau of Justice Statistics, *Historical Corrections Statistics in the United States, 1850-1984* (Dec. 1986), at http://www.bjs.gov/content/pub/pdf/hcsus5084.pdf; Bureau of Justice Statistics, *Prisoners in 1980* (May 1981), at http://www.bjs.gov/content/pub/pdf/p80.pdf; Bureau of Justice Statistics, *Probation and Parole in the United States, 2013*, at http://www.bjs.gov/index.cfm?ty=pbdetail&iid=5135 (Oklahoma did not report data, and so their 2012 data was used instead; *see* Bureau of Justice Statistics, *Adults on Probation in the United States, 1977-2012*, at http://www.bjs.gov/content/data/corpop11.csv); *supra* note 16.

ACKNOWLEDGEMENTS

We wish to express our deepest gratitude to the Edward W. Hazen Foundation and Communities for Just Schools Fund for supporting the production of this report, and to the Woods Fund Chicago for its generous support of the Right on Justice Alliance.

Communities United is a Chicago-based organization – and co-convener of the Right on Justice Alliance – that develops leadership at the grassroots, city, and statewide levels to address the root causes of social, racial, and economic injustice.

Make the Road New York builds the power of Latino and working class communities to achieve dignity and justice through organizing, policy innovation, transformative education, and survival services. We have over 19,000 members and operate four community centers in Bushwick, Brooklyn; Jackson Heights, Queens; Port Richmond, Staten Island; and Brentwood, Long Island.

Padres & Jóvenes Unidos is a Denver-based, multi-issue organization led by people of color who work for educational equity, racial justice, immigrant rights and quality healthcare for all.

Grassroots Action Support Team supports grassroots-led efforts to create transformative social change around key social, racial, gender, and economic justice issues.

The $3.4 Trillion Mistake:
The Cost of Mass Incarceration and Criminalization,
and How Justice Reinvestment Can Build a Better Future for All

www.reinvest4justice.org