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A Funding Model to Tip the Scales of Justice: Success Oriented Funding

Posted: 03/03/2014 10:01 am EST | Updated: 03/03/2014 2:31 pm EST



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In the past, the right has called the left "soft on crime," and the left has, in turn, accused its opponents of being "heartless." But both sides now recognize that significant reforms to our criminal justice system are needed, and bipartisan bills have

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roduced in Congress aiming to both reduce crime and reduce reliance on is a blunt instrument for public safety. However, the key to achieving these s in few programs are funded and incentivized. As the President releases his budget, he should consider a better system for the criminal justice system: [Success-Oriented Funding \(http://www.brennancenter.org/publication/reforming-funding-reduce-mass-incarceration\)](http://www.brennancenter.org/publication/reforming-funding-reduce-mass-incarceration). The model is simple: fund what works, and dump what doesn't.

The United States spends over \$260 billion a year on criminal justice. What has this extraordinary amount of money accomplished? Our country's prisons are filled with nonviolent offenders and streets are filled with ex-offenders who cannot secure employment or housing. We have, by far, the biggest prison population in the world: with only 5 percent of the world's population, America has 25 percent of its prisoners.

While prisons are necessary to protect society from violent and dangerous offenders, today's system provides little incentive for government to ensure "[prison is prioritized for the people we're afraid of, not the ones we're mad at \(http://www.theamericanconservative.com/articles/the-conservative-case-against-more-prisons/\)](http://www.theamericanconservative.com/articles/the-conservative-case-against-more-prisons/)."

Increasingly, it is clear that one driver of our sprawling criminal justice system is the way government funds flow to support it. It's an old story: Too often federal funds flow on automatic pilot, sustaining bad programs and starving good ones. Unintended consequences abound. Fortunately, changes in the way funds are sent to states and cities can produce outsized positive impacts. And the federal government could make many of these changes now, without waiting for legislative action in a paralyzed Congress.

Through Success-Oriented Funding, federal officials would use the power of the purse to tip the scales in favor of justice and efficiency. By measuring how grant dollars are spent, the Justice Department could steer recipients toward policies that reflect a more balanced and successful approach to corrections.

The Edward Byrne Memorial Justice Assistance Grant (JAG) program, the largest nationwide criminal justice grant program, is one example of a program that could benefit. JAG sends hundreds of millions of dollars each year across the country. Funds go to thousands of police departments, prosecutors, public defenders, courts, and reentry programs. Unfortunately, JAG does not link how these funds are spent to the ultimate goals of the criminal justice system: reducing crime while also reducing unnecessary incarceration.

DOJ fails to measure whether the money supported activities that actually achieved "success". DOJ collects volume-based statistics, like the number of arrests, but not results-based statistics, like whether the crime rate dropped. It asks about the number of cases prosecuted, but not whether victims were satisfied with outcomes. By measuring the wrong things, DOJ actively encourages poor use of the grant money. Police may bust many small-time drug users to increase their numbers of arrests -- instead of going after the kingpin behind it all. And prosecutors may pursue unnecessarily harsh sentences for nonviolent offenders that result in the inefficient use of prison space. The bottom line is that taxpayers simply cannot be assured that their money is used to optimize crime policy.

The good news is that the Justice Department could implement these funding reforms today. It's an opportunity for the DOJ to follow through on its stated promise to reform our broken justice system. The President can also take strong action to implement Success-Oriented Funding across the board in federal criminal justice grants spread across agencies. By doing so, the administration would be taking a page from what some states have already done. From New York, where jails are using innovative financing structures to reduce recidivism, to Texas, which has led the way in reforming and closing prisons, the rest of the country is taking steps towards reform.

It's time for Washington to embrace the emerging model of criminal justice: one that effectively fights crime, makes economic sense, and reduces overcriminalization.

Levin is the director of the Center for Effective Justice at the [Texas Public Policy Foundation \(http://www.rightoncrime.com/about/\)](http://www.rightoncrime.com/about/), the nation's leading conservative criminal justice organization. Chettiar is the director of the Justice Program at the [Brennan Center for Justice \(http://www.brennancenter.org/\)](http://www.brennancenter.org/) and the coauthor of [Reforming Funding to Reduce Mass Incarceration \(http://www.brennancenter.org/publication/reforming-funding-reduce-mass-incarceration\)](http://www.brennancenter.org/publication/reforming-funding-reduce-mass-incarceration).

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