

Federal Byrne Grants: Drug War Funds Available for Drug Treatment



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Byrne Grants: Diverting Drug War Resources

The Federal Byrne Justice Assistance Grants Program provides about \$500 million to states, tribes and local governments each year “to support a broad range of activities to prevent and control crime and to improve the criminal justice system.”ⁱⁱ Historically, Byrne Grants have been used primarily to finance drug task forces, which have a record of racially disproportionate low-level drug arrests and increased local and state costs with no measurable impact on public safety.ⁱⁱ

This troubled history led to the near elimination of the program in the mid-2000s. In the 2009 federal stimulus package, however, Byrne Grant funding reached an historic high. Rather than see these resources go to task forces, advocates – in such states as New York and California – mounted successful efforts to direct dollars to drug treatment. Used in this way, Byrne Grants can support health responses to drug use and provide significant cost and public safety benefits.

Drug Task Forces: High-Cost, Low-Return

Through task forces, Byrne Grants bring large numbers of people into the criminal justice system for low-level drug violations, but provide no subsidy for the resulting court proceedings or incarceration costs. In California, for example, it is estimated that every Byrne Grant dollar spent on arrests generates roughly \$10 in new costs to local and state governments – none of which is covered by Byrne Grants.

Task forces typically combine local, state and federal law enforcement officers who, in theory, collaborate to take down large-scale drug dealers and crime organizations and seize large quantities of drugs. In reality, however, there is little oversight of drug task forces, who they arrest and what assets they seize. A 2009 Department of Justice evaluation found that “Not only were data insufficient to estimate what task

forces accomplished, data were inadequate to even tell what the task forces did as routine work.”ⁱⁱⁱ

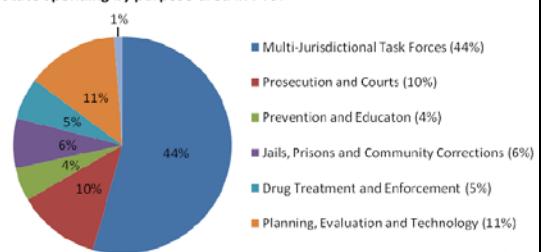
Task forces typically measure their own success in terms of numbers – not types – of arrests.^{iv} Thus, the programs unintentionally reward low-level arrests, rather than resource-intensive higher-level ones. Task forces may also focus within certain geographies, exacerbating racially disparate drug arrest rates. Although drug task forces routinely tout their “successes,” they have failed to make drugs less available or the public more safe.

Drug Treatment: A Better Investment

Research has consistently demonstrated that drug treatment is more cost-effective than arrests and imprisonment at reducing drug use and related crime. A 2006 analysis, for example, found that every dollar invested in drug treatment saves \$7 due to increased employment earnings and reduced medical care, mental health services, social service supports, and crime.^v A 1994 RAND study commissioned by the U.S. Army and the White House Office of National Drug Control Policy found treatment to be seven times more effective at reducing cocaine consumption than domestic law enforcement, 10 times more effective

A Snapshot of Byrne/JAG Spending

State Spending by purpose area in FY07



Sources: Justice Policy Institute, National Criminal Justice Association

than drug interdiction, and 23 times more effective than trying to eradicate drugs at their source.^{vi} And a 1997 federal study found that treatment reduces drug selling by 78 percent, shoplifting by almost 82 percent, and assaults by 78 percent.^{vii}

Tapping Into Byrne Grants

As evidenced by successes in California and elsewhere, advocates can influence state and local spending plans and direct Byrne Grants to health-oriented approaches to drug use. Each year, local and state agencies seeking Byrne Grants must develop a proposal that *includes public input*.

The federal Bureau of Justice Assistance (BJA), which administers the Byrne Grant program, publishes online grant solicitations annually following the passage of the federal budget (usually in the Spring). The size of the program varies each year, though funding is currently at about \$500 million.^{viii} Each area's specific allocation is based on a calculation that takes population and violent crime rates into account. Byrne Grants do not require state or local matching funds. Of a state's total allocation, 40% of funds are provided to local agencies and 60% to state government.

The BJA specifically allows for Byrne Grants to be used for drug treatment, however. In 2010, for the first time, the BJA prioritized Byrne Grants for "ensuring that justice is truly done in the criminal justice system"^{ix} through indigent defense and "funding for the courts, prosecution, problem-solving courts, and other innovative, cost-saving alternatives to incarceration."^x

California: A Case Study

In 2007, with funding of \$20 million, California's drug task forces reported 9,617 arrests, 7,558 prosecutions, and 5,378 convictions.^{xi} If those convictions resulted in even one year in prison, costs to state and local governments would exceed \$260 million, none of which is paid by Byrne Grants. In contrast, the task forces seized assets worth less than \$25 million.^{xii}

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

In 2009, for the first time, California directed a total of \$100 million in stimulus Byrne Grants to intensive probation, treatment-instead-of-incarceration programs and pilot re-entry courts. In 2010, the state directed \$15 million – one-half of the year's Byrne Grant allocation – to drug treatment and re-entry services.

If directed to task forces, the \$115 million in 2009-10 Byrne Grants would have been likely to result in 74,500 arrests and \$1.5 billion in new state costs. In contrast, based on previous analyses,^{xiii} the \$115 million investment in treatment, probation and re-entry is expected to reduce state costs by over \$330 million.

Considering a Campaign in Your State?

Byrne Grant spending is public information. To learn more about which agencies in your area and state administer Byrne Grants and how Byrne Grant dollars are spent, visit the BJA online.^{xiv} To consider a Byrne Grant campaign in your area, contact Margaret Dooley-Sammuli at the Drug Policy Alliance at mdooley@drugpolicy.org or (213) 291 4190.

ⁱ Bureau of Justice Assistance. *Justice Assistance Grant (JAG) Program*. Online at:

<http://www.ojp.usdoj.gov/BJA/grant/jag.html>

ⁱⁱ Blakeslee, Nate. *Tulia: Race, Cocaine, and Corruption in a Small Texas Town*. PublicAffairs. 2006.

ⁱⁱⁱ Rhodes, William et al. "Evaluation of the Multijurisdictional Task Forces (MJTFs), Phase II: MJTF Performance Monitoring Guide." Published by U.S. Department of Justice. December 2009. Available online at:

<http://www.ncjrs.gov/pdffiles1/nij/grants/228942.pdf>

^{iv} California Emergency Management Agency, *2009 Annual/Ongoing JAG Allocation Plan, Program Summaries*.

^v Ettner et al., "Benefit-Cost in the California Treatment Outcome Project."

^{vi} Rydell, Peter C. and Susan S. Everingham, *Controlling Cocaine: Supply Versus Demand Programs*, Santa Monica, CA: RAND, 1994.

^{vii} SAMHSA, *The National Treatment Improvement Evaluation Study (NTIES), Final Report*, 1997.

^{viii} Department of Justice Office of Programs. *Edward Byrne JAG Program Fact Sheet*. January 25, 2010.

http://www.ojp.usdoj.gov/BJA/pdf/JAG_Fact_Sheet.pdf

^{ix} *Ibid.*

^x Department of Justice Office of Programs. Available at:

<http://www.ojp.usdoj.gov/BJA/grant/10JAGLocalSol.pdf>

^{xi} Governor's Office of Emergency Services. *California's Edward Byrne Justice Assistance Grant Program Fiscal Year 2007-08 State Annual Report*.

^{xii} *Ibid.*

^{xiii} Douglas Longshore, Angela Hawken, Darren Urada, M. Douglas Anglin, *Evaluation of the Substance Abuse and Crime Prevention Act: Cost-Analysis Report* (Los Angeles, CA: UCLA Integrated Substance Abuse Program, 2006).

^{xiv} Bureau of Justice Assistance. *Byrne Justice Assistance Grant Information by State* available online: <http://www.primarymarking.com/ByrneJusticeAssistanceGrantInformationByState.pdf>