

THE NEW CENTER

Policy Paper

December 2022



More Cops, Better Policing

**A Plan to Reduce Crime and Restore Confidence in Our
Justice System**

MORE COPS, BETTER POLICING

**A PLAN TO REDUCE CRIME AND RESTORE CONFIDENCE IN OUR
JUSTICE SYSTEM**

December 2022

AUTHORS

Lilah Connell	Peyton Lofton
Policy Analyst	Policy Analyst
lilah@newcenter.org	peyton@newcenter.org

Benjamin Link
Policy Intern
ben@newcenter.org

ABOUT THE NEW CENTER

American politics is broken, with the far left and far right making it increasingly impossible to govern. This will not change until a vibrant center emerges with an agenda that appeals to the vast majority of the American people. This is the mission of The New Center, which aims to establish the ideas and the community to create a powerful political center in today's America.

THE NEW CENTER

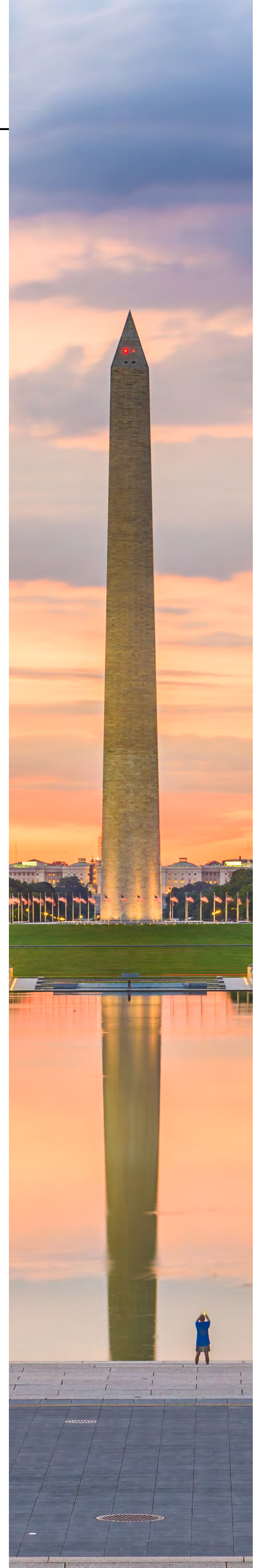
1808 I Street NW, Fl. 5
Washington, D.C. 20006
www.newcenter.org

EXECUTIVE SUMMARY

In June of 2022, voters in San Francisco—the [most liberal city](#) in America—recalled District Attorney Chesa Boudin, because they did not believe he was doing the core job of a prosecutor: prosecuting criminals. It was an early indicator of the American public’s growing concern about crime, which was named as one of voters’ top three concerns in NBC News [exit polling](#) after the midterm election.

In a national March 2022 [Gallup poll](#), 80% of respondents said they were worried about crime and violence either “a great deal” or “a fair amount” — the highest point since 2016.

Between 2019 and 2020, the rate of violent crime in America [increased](#) for the first time in four years, by an estimated 5.6%. That includes a [30% spike](#) in homicides, the largest single-year jump in at least a century. The FBI has not yet released nationwide data for 2021, but [reports](#) from 22 U.S. cities suggest the murder rate continued to grow by another 5%. And 12 [major cities](#)— from Philadelphia, PA to Portland, OR— broke their annual homicide records in 2021.



In 2020, homicide in [rural areas](#) grew by 25%, the largest increase since the CDC began tracking that data in 1999. Local officials cite COVID isolation, increased drug and alcohol use, and understaffed police departments as the primary contributing factors to this growth.

Even amid the recent surge in violent crime, its frequency remains well below the peak in the 1990s (see below). According to the FBI's [Crime Data Explorer](#), the rate of violent crime in 2020 was 44% lower than that in 1991. More specifically, this comparison reflects the decreases in the number of homicides (34%), robberies (73%), and aggravated assaults (35%).



Source: [FBI Crime Data Explorer](#)

Not every type of crime increased in 2020. Property crimes, for example, dropped for the 18th year in a row.

But Americans are unmistakably and understandably worried about the surge in violent crime. Congress has felt the concern, and the House recently passed four bipartisan bills to support law enforcement. But even if the bills do make it to law, they don't do nearly enough to solve the full breadth and depth of the problem. That's why The New Center is urging policymakers on the left and right to come together and combat crime on four major policy fronts:

1. More Police
2. Better Policing
3. Preventing Crime
4. A Better Justice System

SOLUTIONS SUMMARY

MORE POLICE

Problem: Amid recruiting problems and retirements, there aren't enough police on the street.

Solutions:

- *Congress:* Authorize \$13 billion to hire and train 100,000 new cops, and new grants for local departments
- *Police Departments:* More community outreach and better benefits/incentives to spur recruiting.

Problem: Police departments often don't reflect the race and ethnicity of the communities they serve.

Solutions:

- *Congress:* Create grants that spur more diverse hiring in local departments
- *Police Departments:* Reform hiring, retention, and mentorship practices to increase diversity of the force.

BETTER POLICING

Problem: Stop-and-frisk doesn't reduce crime

Solutions:

- *Police Departments:* Reduce stops and enact stricter requirements for reporting stops

Problem: Many traffic stops target people of color, don't reduce crime, and decrease community trust

Solutions:

- *State/Local Government:* Don't pull drivers over for minor, non-moving violations like broken tail-lights.

Problem: Police performance measures focus on outcomes instead of policing methods.

Solutions:

- *State Governments:* Ban quotas in policing and performance evaluations.
- *Police Departments:* Adopt new service-oriented performance measures based on principles of community policing and procedural justice.

Problem: There is not enough trust in or relationships with police, especially among communities of color.

Solutions:

- *Police Departments:* Have officers conduct on-foot patrols, engage with citizens informally.

Problem: Many police departments don't participate in national data collection.

Solutions:

- *Congress:* Require all agencies to uniformly submit crime and use-of-force statistics, give them funding for it.

Problem: Organized crime data is outdated and unreliable.

Solutions:

- *Congress:* Resume the DOJ's annual gang violence report which was defunded in 2012

PREVENTING CRIME

Problem: Prescription opioids are too accessible.

Solutions:

- *State Governments:* Require prescribers to consult Prescription Drug Monitoring Programs (PDMP); adopt PDMP integration, data sharing, and training reforms.

Problem: Access to medication-assisted treatment (MAT) for opioid use disorder (OUD), especially for incarcerated individuals, is too restricted.

Solutions:

- *Congress:* Remove restrictions on doctors to prescribe OUD medication; fund OUD prevention programs
- *State Governments:* Repeal laws that limit access to opioid treatment programs; require jails and prisons to offer MAT and connect individuals with post-release treatment.

Problem: A lack of data on synthetic opioids curtails efforts to interrupt trafficking and sales.

Solutions:

- *Congress:* Require CBP to regularly update its interdiction policies; create an opioid market surveillance system and a national early-warning system.

Problem: Gun violence is out of control, putting the public and the police at risk.

Solutions:

- *Congress:* Require background check for all gun sales; raise the minimum age to own a gun to 21 years old.
- *State Governments:* Enact red flag laws and teach people how to use them.

Problem: America's criminal justice system produces high incarceration and recidivism rates.

Solutions:

- *Congress:* Apply the First Step Act's sentencing reforms retroactively; allow courts to reduce juvenile sentences after 20 years; replace mandatory minimum sentences with sentencing guidelines
- *State Governments:* Reduce discrimination in hiring and housing ex-prisoners; improve reentry support programs and services.

A BETTER JUSTICE SYSTEM

Problem: Police are ill-equipped to respond to mental health crises.

Solutions:

- *Congress:* Create a grant program for mental health first responder units.
- *Police Departments:* Implement mental health first responder programs.

Problem: Clearance rates are at an all-time low due to detective staffing shortages.

Solutions:

- *Congress:* Create a grant program for hiring and training new detectives.
- *Police Departments:* Conduct an internal audit to implement best practices.

Problem: Crime labs lack funding for necessary staff and technology.

Solutions:

- *State Governments:* Conduct a statewide forensic needs assessment; fund independent crime labs within a state-level department of forensics; commit to testing all backlogged rape kits and implement a statewide inventory and tracking system; partner with universities to develop crime lab units.

Problem: Progressive prosecutors and far-right sheriffs don't enforce the law.

Solutions:

- *State Governments:* Impeach officials who do not enforce the laws as written; give the public the power to recall prosecutors and sheriffs.

Problem: Judges have lost discretion.

Solutions:

- *Congress and State Governments:* Repeal mandatory minimum sentences; repeal cash bail. Allow judges to release or detain defendants based on the facts of the case.



MORE POLICE



When violent crime rises, The Economist’s Daniel Knowles describes a “[vicious spiral](#)” that ensues because police resources and the number of available detectives “does not increase in parallel.” As a result, fewer cases are cleared, increasing the likelihood of crime via retaliatory shootings and repeat offenses, while reinforcing a dangerous outlook in local communities that police cannot be trusted to ensure justice.

Said another way, the efforts of activists and some municipal leaders to downsize and “defund the police” seem to do exactly the opposite of what their proponents claim. Instead of making communities safer, stripping law enforcement agencies of the vital manpower and technology they need to tackle crime has left communities more vulnerable and at higher risk of crime.

Presently, across the United States, police [morale](#) and recruitment have reached all-time lows. Between 2020 and 2021 there was a 45% increase in the [retirement rate](#) and an 18% increase in the resignation rate of police in the nearly 200 police precincts surveyed. During the same period, hiring rates fell by 5%.

Reflecting on the retirement/resignation of one-third of his staff, Chief David Zack of the Asheville Police Department [said](#): “We have asked too much from police, and it has caught up with us nationally.”

To address these problems, President Biden has called for \$37 billion in federal funding to support law enforcement and crime prevention in his fiscal year 2023 budget proposal. Specifically, the “[Safer America Plan](#)” would authorize nearly \$13 billion over the next five years for communities to hire and train 100,000 new cops.

On September 22, the House passed bipartisan legislation to further support America's police forces. Among other measures, the [Invest to Protect Act](#) would provide \$300 million in grant funding over five years to police departments with fewer than 200 officers. While Congress has not yet taken up the Safer America Plan, the police funding bill only awaits Senate approval. But there remains a slim chance that this much-needed legislation will be voted on during the "lame duck" session in December.

These funding and hiring initiatives are necessary first steps in reversing America's trend of rising crime. Americans share this sentiment. When asked by Pew Research Center about spending on police departments, [47%](#) of American adults said they believed spending on police in their area should increase "a little" or "a lot" compared to 15% who believed spending should be decreased.

More Police = Less Crime

Several studies on policing indicate that adding manpower presence to high-crime areas makes communities safer. A 2019 [meta-analysis](#) published in the Journal of Experimental Criminology that reviewed 65 separate studies analyzing police interventions at crime "hotspots" unsurprisingly found that "focusing police efforts at high activity crime places can be effective in preventing crime." A 2016 Obama administration [report](#) further estimated that a 10% increase in police force size can decrease crime by 3 to 10%. [Multiple](#) other [studies](#), including one by a University of California Irvine criminology professor, have also concluded that increased police employment "does not necessarily result in more arrests for serious crimes," supporting the theory that deploying more police to high-crime areas helps deter crime. Larger police forces also reduce the strain on individual officers, many of whom are currently suffering from burnout and [fatigue](#), and enable more foot patrols, which are essential to building trust in local communities.

Assistant Professor of Economics at Barnard College Morgan Williams, who specializes in the economics of incarceration policy, found that a city would need to add [10 to 17](#) police officers to its force to save one additional life each year.

The Recruitment and Retirement Crises

Given the recent recruitment challenges, more needs to be done to attract Americans to a career in policing. A membership survey of the International Association of Chiefs of Police (IACP) in 2019 found that [78%](#) of agencies reported having difficulty recruiting qualified candidates. This report attributes the "recruitment crisis" to several factors including the job's demanding schedule and limited flexibility, the declining public image of law enforcement, and the lengthy and arduous hiring process.

In a separate [Police1 survey](#) in December 2021, officers identified the "least satisfying" aspects of their job as the "presumption that police are wrong" (63%) and "poor agency leadership" (60%). Further, 43% of police officers disagreed with the statement that their agency "effectively educated the public about what law enforcement officers do," whereas only 32% agreed.

To account for these factors, state and local police departments should develop their recruitment efforts and job incentives with an eye toward increasing police retention and improving officer morale.

The IACP offered a number of suggestions to make careers in law enforcement more appealing:



Partner with local schools and community programs to provide opportunities for youth to experience ride-alongs and learn about police careers.



Expand benefits and incentives. Allow recruits to earn college credits for their training hours, offer [signing bonuses](#), allow off-duty use of patrol cars, and offer housing stipends for officers to live in the city they police.



Promote inclusivity and work-life balance. Offer part-time policing opportunities and unlimited sick leave while relaxing candidate disqualifications like bans on visible tattoos.

Representation to Restore Trust & Reduce Crime

In recruiting more police, departments may also want to prioritize building a more diverse and representative police force. Police department diversity [matters](#) because it can affect public trust and police legitimacy, quality of policing, and even crime rates.

A [study](#) in the Journal of Public Administration Research and Theory found that Black people are more likely to view interactions with minority police officers as “legitimate and justified,” while a [University of Maryland criminologist](#) demonstrated greater police diversity correlates with lower crime rates in minority neighborhoods. Another [study](#) published in the journal Science concluded police department diversity also improves policing in practice. It found that Black and Hispanic officers make fewer arrests and stops, use force less often, and have a reduced focus on enforcing low-level offenses, practices that all disproportionately impact minority groups.

Across the U.S., police are [consistently whiter](#) than the communities they serve, especially in urban areas. While the [share](#) of officers of color increased from 22% in 1997 to 28% in 2016, federal [data](#) indicates that a majority of local police departments actually became whiter relative to their communities over that period. A New York Times [analysis](#) also finds smaller cities and rural areas are lagging behind urban areas in reducing this racial gap.

A New York Times [analysis](#) of federal data from 2013 and 2016 shows many large police departments struggled to retain Black officers. As the public image of police has declined in recent years, experts like [Chuck Wexler](#)— the executive director of the Police Executive Research Forum— and American University criminology professor [Janice Iwama](#), have attributed the lack of police diversity to difficulties recruiting and retaining police.



Previous government-led research has tried to understand and remedy these challenges. In December 2015 the Department of Justice’s (DOJ) Civil Rights Division and the Equal Employment Opportunity Commission launched the [Advancing Diversity in Law Enforcement](#) research initiative, which identified several hiring and retention practices to increase diversity. Among others, these include increasing community outreach and partnerships, offering internship and mentorship opportunities, adopting a holistic hiring approach, and providing incentives like temporary housing and financial bonuses for language skills.

The Community Oriented Policing Services’ Hiring Program ([CHP](#)) provides grants to law enforcement agencies to hire and/or rehire additional officers. President Biden’s fiscal year 2022 budget proposed a [101%](#) increase in CHP funding, but ultimately only \$156.5 million was enacted (no increase from 2021 levels). He is making the same [\\$388 million](#) proposal in FY2023. He is also proposing new [application prioritization criteria](#), including for “jurisdictions seeking to implement hiring practices to help agencies mirror the racial diversity of the communities they serve.” In addition, \$23 million has been requested for a new [Just Policing Program](#) that would support a number of agency reform initiatives including recruitment and retention for diversity.

At the federal level, these funding grants that emphasize diversity are likely to prove beneficial. State and local departments should re-evaluate their recruitment efforts and incentives to ensure that their departments look more like the communities they are committed to serving. Adopting reforms aimed at updating police practices and redefining performance measures (discussed below) will also aid in elevating the public image of police officers over time, which should in turn help attract diverse candidates to the field.

BETTER POLICING



About two-thirds of Americans trust the police “some” or “a lot,” according to Morning Consult’s September 2022 [poll](#). But the [polls](#) tell a completely different story for Black Americans— who interact with the police at much higher rates— as just 40% have at least some trust in police. And only 42% of Generation Z— which includes the 18-24 year old cohort that disproportionately commits or is victimized by crime— trusted the police in the Morning Consult September poll. These results are concerning. Every American deserves justice and security, but too many feel the country is failing to deliver on that basic promise.

When people lose faith in the law, crime worsens. Individuals with low trust in the police are [less likely](#) to “call to report crimes, identify criminals, or be witnesses in court,” according to Yale Law professor Tom Tyler. This is the case even when these individuals are victims of a crime, as they are more likely to seek vigilante justice over legal recourse. Further, a decline in trust in law enforcement makes it more likely that police stops will [escalate](#) to violence.

But the trends can be reversed. According to the [DOJ](#), “Sound conduct by police improves community interactions, enhances communication, and promotes shared responsibility for addressing crime and disorder.”

Both the police and the public can benefit from more trust in law enforcement. Below, The New Center examines how to build that trust.

Curb Unnecessary Traffic Stops and Stop & Frisk

1. End stops for minor traffic infractions
2. Reform stop & frisk

Traffic Stops Aren't Color Blind

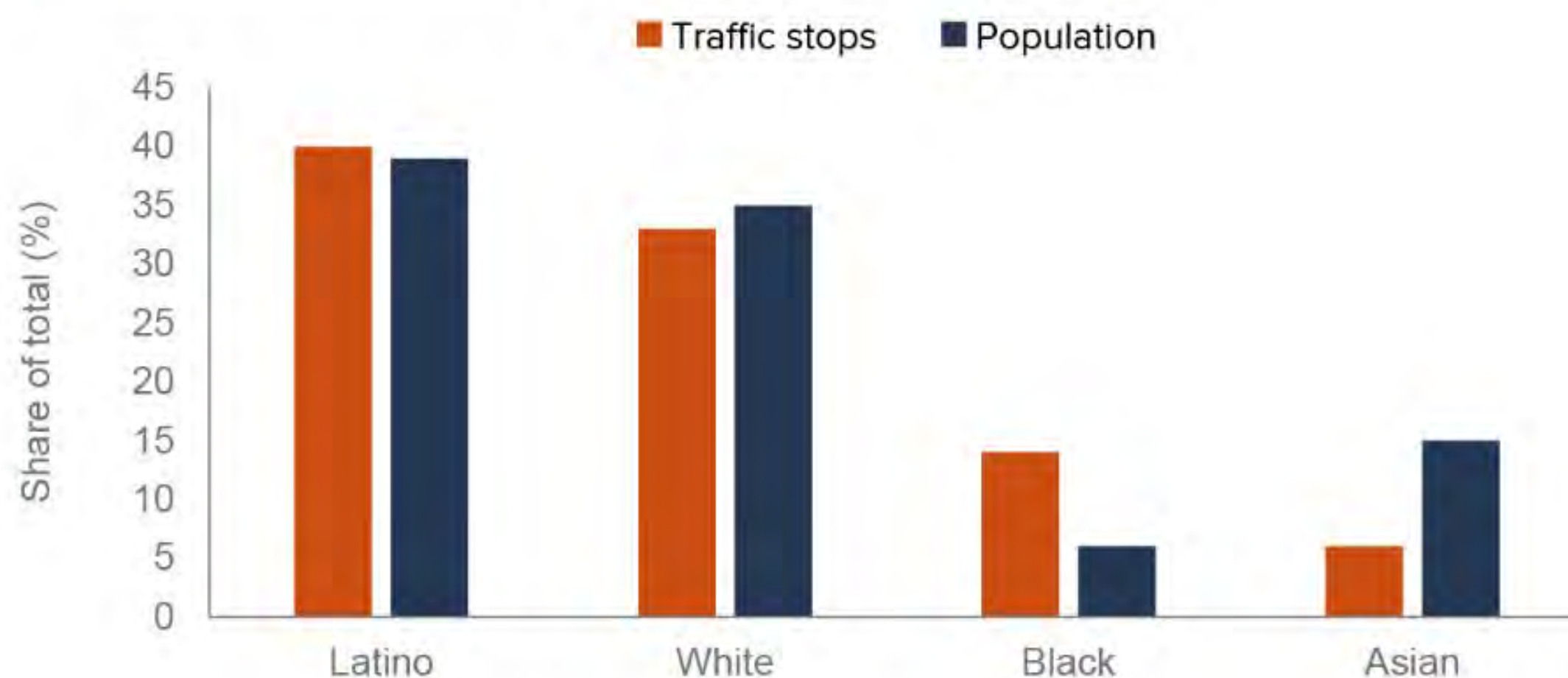
Traffic stops are the [most common way](#) in which the public interacts with law enforcement. Police are much [more likely](#) to stop Black motorists than white ones, especially for “pretextual stops,” where police pull a driver over for a minor infraction with a goal of investigating the driver for more serious crimes.

According to a study by the [Stanford Open Policing Project](#), after being pulled over, Black drivers were twice as likely as white drivers to have their car or body searched by police. But these searches produced “hits” — that is, police found illegal drugs or weapons— more often for white than Black drivers. In other words: police stop and search innocent Black people much more often than they search innocent white people.

To test whether the disparities were explained by racial bias, the Stanford researchers examined patterns of stops and searches after daylight hours. It should be more difficult for officers to discern the race of a driver at night, and therefore less likely that racial bias would influence their decision making. Black drivers made up a 5-10% smaller share of those stopped after dark compared to those stopped during the day, suggesting police bias.

A color-blind police force would have proportionate pull-over, search, and hit rates for drivers of each race. Instead, police are wasting time searching innocent drivers and harming their own public image in the process.

Figure 4
Black Californians are markedly overrepresented in traffic stops

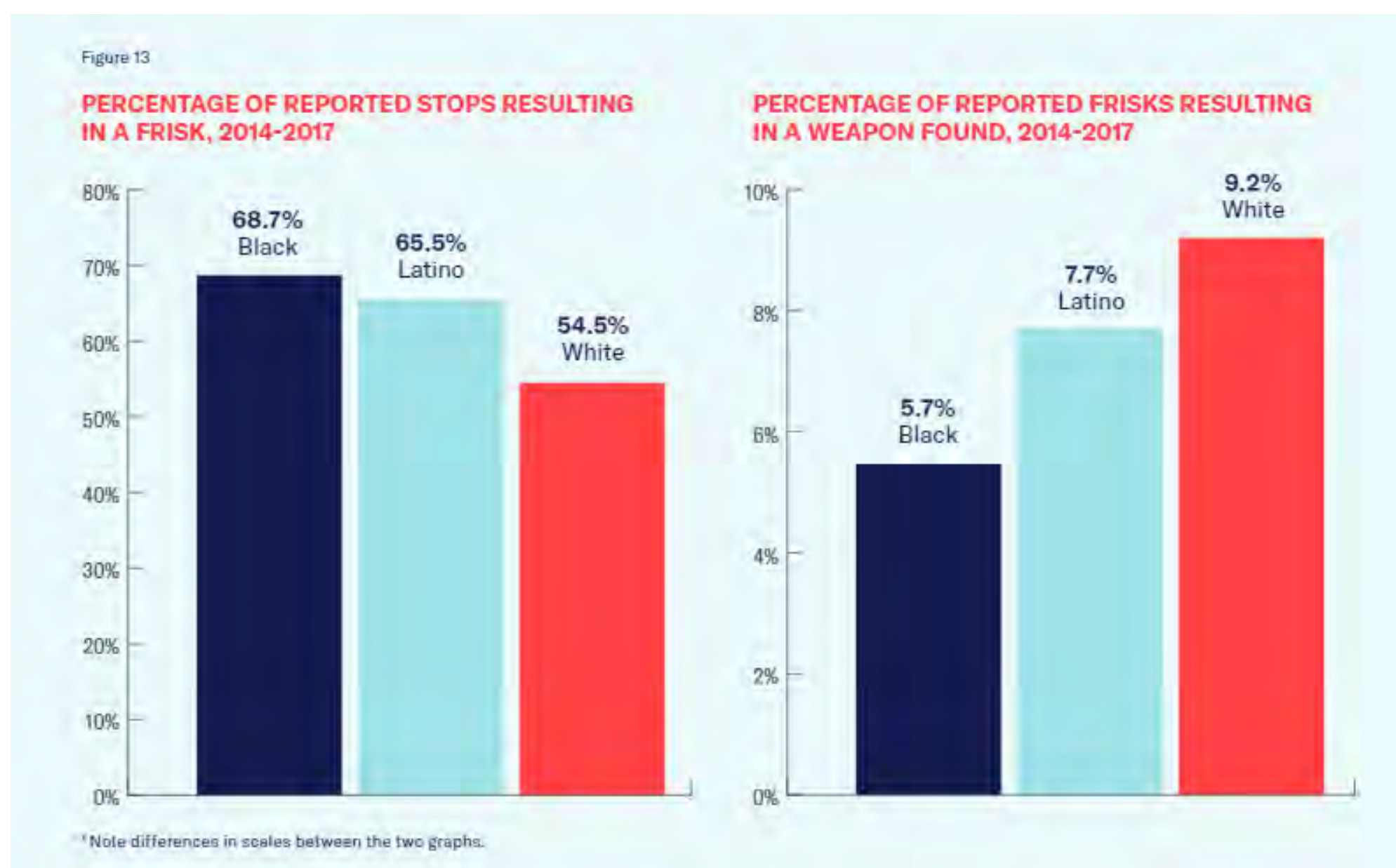


Source: [Public Policy Institute of California](#)

Stop & Frisk

A similar pattern exists among police stops of pedestrians. In a “stop and frisk,” police officers detain, question, and search pedestrians whom they have reason to believe have or will soon commit a crime. The use of stop and frisk [has declined](#) significantly in the last decade, but its legacy continues to tarnish public sentiment of police.

In a [2020 Gallup Poll](#), 74% of Americans supported the idea of ending stop and frisk altogether, including 93% of Black and 88% of 18-34 year old respondents. While Black people make up just 24% of New York City’s [population](#), they have accounted for the majority- 52%- of all [stop and frisks](#) in the city since 2003. Similarly, Black people comprised 72% of the over 60,000 stop and frisks in [Washington, D.C.](#) in the second half of 2019, despite being only 46% of the District’s population. And Black people in D.C. made up 86% of the stops that did not lead to an arrest or citation, indicating they were more likely than their peers to be stopped for innocent behavior.



Source: [New York Civil Liberties Union](#)

Stop & Frisk and Unnecessary Traffic Stops Don't Reduce Crime

A first of its kind [study](#) by New York University’s Policing Project found no evidence that traffic stops, even in high-crime areas, have any effect on crime rates. And when police in [Fayetteville](#), North Carolina prioritized safety violations (speeding, drunk driving, etc) instead of minor, non-moving violations (broken tail lights, expired registration) which frequently precede vehicle searches, car crashes and fatalities decreased significantly while non-traffic related crime remained unchanged.

Numerous other [studies](#) examining crime in New York City during the height of stop and frisk (2006-2011) also found little evidence that the tactic was effective in reducing crime. Although crime in the city did go down, experts believe the cause was the deployment of additional officers to high-crime neighborhoods. Expanded police presence likely contributed to a [12-15% crime reduction](#). Stops were found to only have an impact when they were based on legitimate probable cause, which was “[very rare](#),” according to the University of Pennsylvania’s John MacDonald. One [study](#) also found that stop and frisk likely contributed to just two percent of crime reduction, when controlling for additional police. An analysis of the practice in [Chicago](#) concluded that increasing stop and frisks resulted in worsening crime outcomes.

These stops also sour the public's views of police, which indirectly contributes to more crime. Police searches, especially those of innocent people, cause a wide range of [emotional and psychological harm](#). And that's understandable. A [quarter](#) of stop and frisks against innocent New Yorkers between 2014 and 2017 involved a police use of force. It's no wonder that young people who have been subject to regular stop and frisks "become [less likely](#) to call upon police in times of need, to report criminal activity, or even their own victimizations," according to the Vera Institute of Justice.

A few jurisdictions have instructed police officers not to pull over motorists for minor infractions, such as broken tail lights or expired registrations— the offense that got [Daunte Wright](#), an unarmed 20-year-old Black man, pulled over before police inadvertently shot and killed him in April 2021. Cities including [Minneapolis](#), [Lansing](#), and [Philadelphia](#), along with [Virginia](#), have already made such reforms. In Philadelphia, police are still able to record the information of minor offenders and mail them a traffic citation.

Reformers are using data to fight stop and frisk. In 2015, the ACLU reached an [agreement](#) with the Chicago Police Department to have officers file detailed reports on every stop, including details on the detainee's race and gender, the reason(s) for the stop or frisk, and the result (arrest made, contraband found, warning issued, etc). The agreement also increased stop and frisk training, with an emphasis on racial aspects. Police in [New York City](#) and [D.C.](#) are implementing similar reforms. In June 2022, some police districts in [Philadelphia](#) ended the practice entirely for minor offenses (like open alcohol containers or loitering) and will only stop and frisk if the offenders refuse to stop their behavior. Furthermore, every stop in Philadelphia must be recorded by body camera and must be reported to the police dispatcher as they happen.

Adopting or incentivizing these reforms on a national scale could be a significant step in the right direction. It would likely improve trust in police among communities of color while freeing up officers to focus on serious crimes, making everyone happier and safer in the process.

Bad Incentives, Bad Policing

1. Ban quotas
2. Adopt new performance metrics to reflect community policing & procedural justice

A key reason we continue to see unnecessary traffic stops and stop and frisks (despite the mounting evidence that they are ineffective at reducing crime) can be partially attributed to flaws in existing police performance measures. A body of social science [research](#) has established a strong relationship between performance metrics as a tool for goal-setting and their influence on performance outcomes. As the famed management mantra [goes](#): "What gets measured gets improved. What doesn't get measured doesn't count."

According to [research](#) conducted by the Harvard Kennedy School and the National Institute of Justice in 2015, most police organizations in the U.S. are using the same performance measures that they have for decades. These measures include crime rate statistics, clearance rates, response times, and number of arrests, citations, or stop and frisks conducted. As the researchers note, these measures fail to gauge whether police are doing their jobs "intelligently, using appropriate methods, or having a positive impact." Instead, they reward outcomes while neglecting to measure the behavior and tactics involved in the process.

Even when quotas are outlawed, various police performance measures create similar problems.

The idea that more arrests equals a better police officer can incentivize officers to engage in bias-based and quota-based policing for the sake of reducing local crime statistics and maximizing their arrests/tickets. While arrest and ticket quotas are not typically written in official policy, and at least [26 states](#) and Washington D.C. have laws banning quotas, a 2021 [study](#) by a University of Pennsylvania law professor and a slew of recent court cases demonstrate police departments continue to either informally or indirectly enforce and reward quotas, while punishing officers that don't [“get their numbers up.”](#)

In [Richardson, Texas](#), two police officers are suing the city and its senior police leadership for “using quotas to evaluate and discipline patrol officers,” despite a Texas [law](#) that explicitly prohibits this behavior. Officers in [New Jersey](#), which implemented a similar [law](#) in 2021, [confirmed](#) that departments reinforced quotas by “tying advancement and even preferred vacation and meal times to arrest and ticket stats.”

Clearly, anti-quota laws are necessary but insufficient. We must also adopt new measures to change police culture through updated performance metrics that redefine “good policing” with an emphasis on public service.

Community-oriented policing is widely accepted as a best practice approach to policing, but few performance measures evaluate officers based on the principles of community-oriented policing. In 2015, the DOJ's Office of Community Oriented Policing Services and the Police Executive Research Forum partnered to develop a [performance management approach](#) based on information gathered from focus groups and interviews with officers from various police departments. They advocate for a procedural justice approach to performance evaluations that recognizes officers' “ethics, problem solving, leadership, interpersonal, technical, and communication skills.”

The Vera Institute of Justice and Police Foundation's [research](#) concludes surveys on community levels of satisfaction and police perceptions are key to operationalizing the concepts of procedural justice and community policing. Some police departments already conduct annual community satisfaction surveys, with questions focused on confidence in police and perceptions of fairness, safety, police legitimacy, and officer competence. Routine examinations of body camera footage can also provide a basis for assessing police-community interactions and use of police authority.



To further quantify these policing principles, performance criteria could include service-oriented measures like:



Number of [“referral tickets”](#) written- to evaluate how often police successfully refer a community member to a certain program, service, or agency



Communication skills and ability to de-escalate a situation



Commitment to community engagement, such as hours spent participating in community programs or foot patrols

Of course, local crime statistics, arrest numbers, and clearance rates should continue to be collected and monitored. But basing performance evaluations on positive police behaviors creates a new incentive structure that ensures good officers are recognized for their best practices not arrest records.

Police: Know Your Neighbors

1. Neighborhood patrols
2. Non-enforcement contact
3. Youth programs

Another method to improve the public’s views of police is to reform when and how people interact with law enforcement. Trust in police— like all other groups of people— is built through sustained, positive relationships over time. But often, people only speak with on-duty officers during an emergency and when they are under stress: when they’ve been accused of or victimized by a crime, after a car accident, or during interpersonal disputes. These types of interactions make it difficult to establish positive relationships.



Civil interactions between cops and citizens build trust

The RAND Corporation found that [“community engagement”](#) interventions improves perceptions of police legitimacy. One effective intervention is recurring foot patrols of the same neighborhoods by the same officers. On these patrols, officers leave their vehicles behind and spend time speaking with residents and addressing their needs. Over time, the officers build relationships— and trust— with members of that community. Other interventions have officers establish relationships through more conventional means, like attending town halls, participating in recreational sports, or engaging with children through school events.



Communities across the country are putting community engagement policing to the test, and the results are promising:



In [New Haven](#), Connecticut, researchers had police initiate “non-enforcement contact” with randomly-selected households to measure its effect on trust. Surveys revealed that the contact improved residents’ views of police by ten percentage points, with larger effects for Black respondents.



In [Camden](#), New Jersey, more officers were hired with a specific emphasis on meeting and engaging with members of the communities they serve. As a result, 911 response times dropped from an hour to just minutes, violent crime fell 21% in just one year, and homicides were reduced by 42%.



In [Spokane](#), Washington, a suite of police reforms in 2013 included community engagement interventions like foot patrols, participation at homeless shelters and youth programs, and officer training in de-escalation and crisis intervention. These reforms were associated with a 20% decline in crime and a 22% reduction of police use-of-force.



Over 30 cities across the U.S. have participated in the [Youth & Police Initiative](#). The Initiative hosts training sessions for teenagers and officers to get to know each other, learn from each other, and discuss strategies to better the community. Teens are more than [twice as likely](#) to trust the police after completing the program, and officers report more confidence in interacting with youth while on patrol.

Police Smarter Not Harder

1. Create national standards data reporting
2. Fund data reporting efforts
3. Fund gang tracking

Even in the midst of a historic crime wave, we still don't know the full extent of the issue. Without any reporting requirements or a national standard, and with a new reporting system, crime datasets are not always reliable.

Crime stats and police misconduct reports are under-utilized and unreliable

The FBI's [National Incident-Based Reporting System](#) (NIBRS) is supposed to be the new premier source of national crime statistics. This year, for the first time, the FBI only accepted NIBRS numbers for its annual crime reports (and declined to accept the older Summary Reporting System). But about [7,000 agencies](#)—including the New York City and Los Angeles police departments— covering over a third of the population did not participate. The FBI [admitted](#) that it had to rely on “estimation procedures” to fill in the reporting gaps, rendering the report validity questionable.

The FBI's [National Use-of-Force Data Collection](#), which tracks police conduct, faces similar issues as NIBRS. In the most recent 2021 report, agencies representing only 61% of all law enforcement officers nationwide submitted data. This included only 30% of officers in California, 35% in Texas, and a dismal 7% of officers in Pennsylvania. In 2021, the Government Accountability Office threatened to [shut down](#) the program due to limited participation.

Data collection is expensive and voluntary

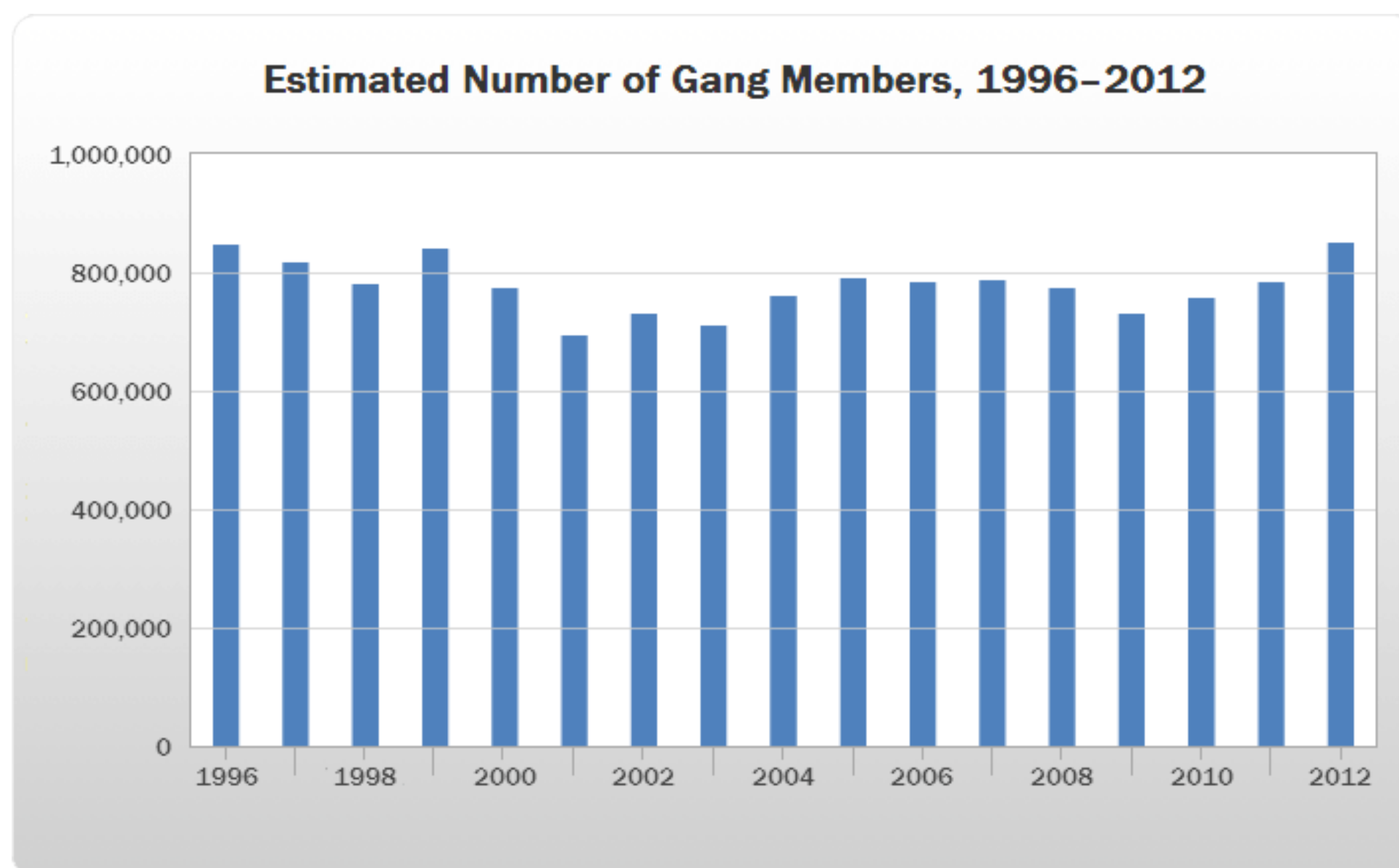
A major concern for both NIBRS and Use-of-Force is resource constraints. According to the Bureau of Justice Statistics, it could cost a police department up to [\\$377,000](#) to implement the NIBRS. And that doesn't even consider the ongoing costs to use and maintain the system. Cost was the [number one concern](#) cited by agencies that had not implemented NIBRS. Similarly, the Use-of-Force reports require extensive details on not only the incident but of all parties involved. A former Houston police chief reported that it takes “three full-time employees” about [38 minutes](#) to complete reports on each incident. And police departments receive either no federal funding, or funding that is “not big enough to compensate for the time spent compiling the data.”

National statistics are a crucial aspect of addressing crime. Transparency on officer conduct is a crucial aspect of improving trust in police. As such, Congress should compel all agencies to participate in NIBRS and Use-of-Force reporting and give them the funding to do so.

In 2020, congressional Democrats and Republicans were each offering competing police reform bills, but both included provisions to create better and more transparent data from local police departments. Even if Congress can't strike a broader policing deal, passing a data transparency measure as a standalone bill could at least provide policymakers, the public, and law enforcement with critical data that could guide future reform efforts.

The DOJ stopped tracking organized crime and gang violence 10 years ago

The federal government also needs to step up its role on organized crime, which often spans state lines and even international borders. The DOJ’s National Gang Center (NGC) used to produce an [annual report](#) on the presence and behaviors of gangs in the U.S., but stopped in 2012 “due to funding limitations,” the NGC told The New Center in an email. The 2012 report found [more gangs and gang members](#) than the NGC had ever found since it started collecting data in 1996, indicating the issue was only getting worse.



Source: [National Gang Center](#)

The untimely defunding of the NGC illustrates a broader trend of the federal government not prioritizing gang violence. In the DOJ’s [Strategic Plan](#) for 2022-2026, the terms “gang” and “organized crime” each appear only once in the 90 page document. (For comparison, “environmental justice” appears 18 times). This seems like a misstep, considering:

- A 2009 DOJ [report](#) estimated gangs were responsible for 80% of violent crime nationwide
- A [New York City](#) police chief said gangs were responsible for a majority of the city’s shootings in 2020 and 2021
- An [Atlanta](#) DA said gangs were responsible for over 75% of the city’s violent crime in 2022

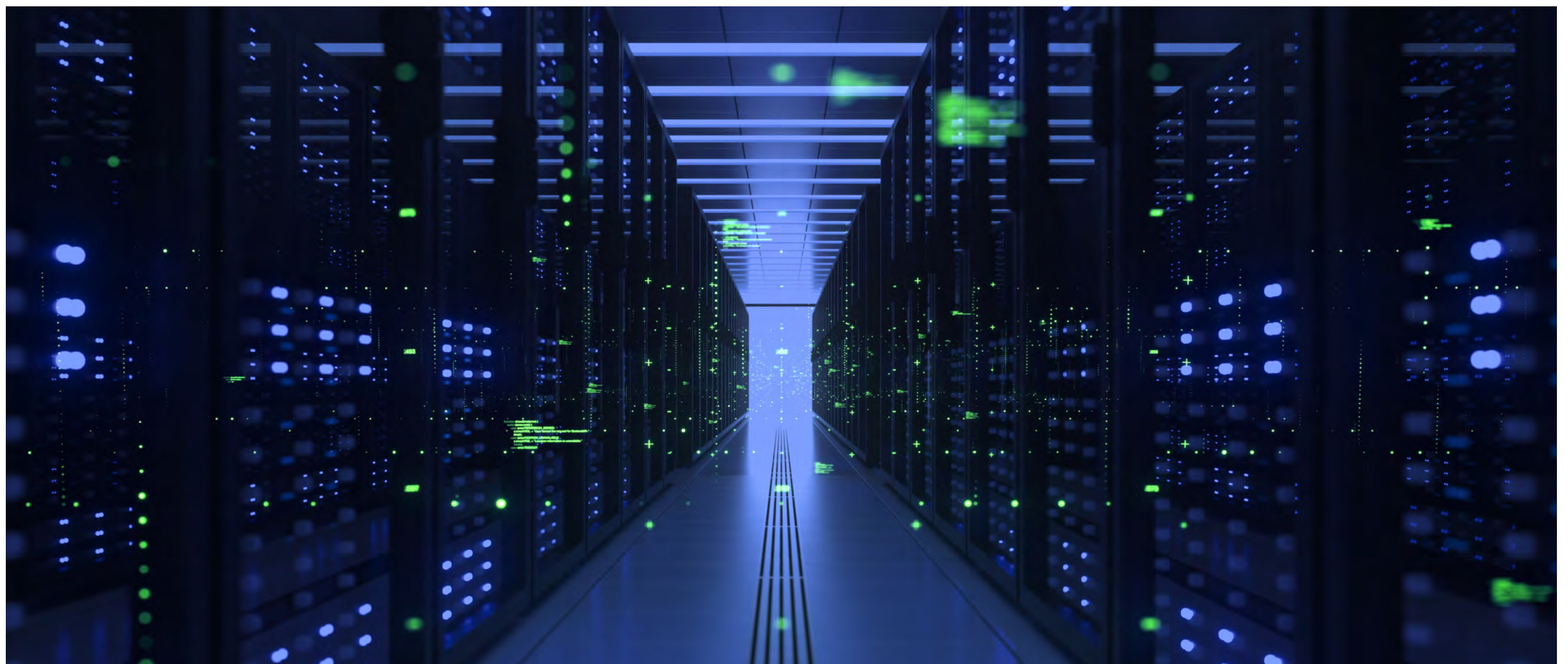
Furthermore, the 2012 NGC [annual report](#) found that a majority of gangs were located in suburbs or small cities—not just large urban areas. Gangs are likely responsible for a large amount of violent crime in a wide variety of locations; that certainly merits a more deliberate response than how the federal government currently handles organized crime. Of course, it’s impossible to address or even prioritize something without knowing the full extent of the issue, which is why funding NGC gang tracking is vital for public safety.

Local police struggle to track gangs without federal support

Without federal buy-in, tracking gang violence relies on a patchwork of reports from local law enforcement. Researchers at the University of Colorado [warned](#) that police data on gangs are “plagued with inconsistencies” as each agency may have different definitions and standards for gang violence. One key distinction, according to the Colorado researchers, is whether agencies classify gang violence based on membership or motive. “Member-based” approaches classify any crime as gang-related if the perpetrator is suspected of being in a gang, while a “motive-based” approach only counts crimes that are committed specifically to benefit the gang. Law enforcement may focus on only one classification to further their specific goals: either to downplay the statistics and make crime seem under control, or to drum up more fear and thus more funding and support for police.

New York City illustrates the shortcomings of the patchwork, localized gang reporting system. The city’s infamous [gang database](#) lists roughly 18,000 New Yorkers— 99% of whom are Black or Latino— suspected of being in a gang, for [reasons](#) as flimsy as hanging out in certain neighborhoods or wearing certain colors of clothing. City council members are trying to dismantle or reform the list, on the grounds that it is racially biased and can be used to arrest innocent defendants. Gang databases in [Chicago](#) and [California](#) face similar criticism.

The DOJ should ensure local law enforcement agencies are properly equipped to address gang violence. The next Congress should give the National Gang Center funding to resume its annual report on gang violence that ended in 2012. The DOJ should also create standards and best practices for local gang databases, to ensure that they are as targeted and unbiased as possible.



PREVENTING CRIME



Even with more police and better policing, to maximize public safety there must be less crime occurring in the first place. This requires addressing some of the biggest contributors to criminal activity: drugs, guns, and recidivism.

Drugs

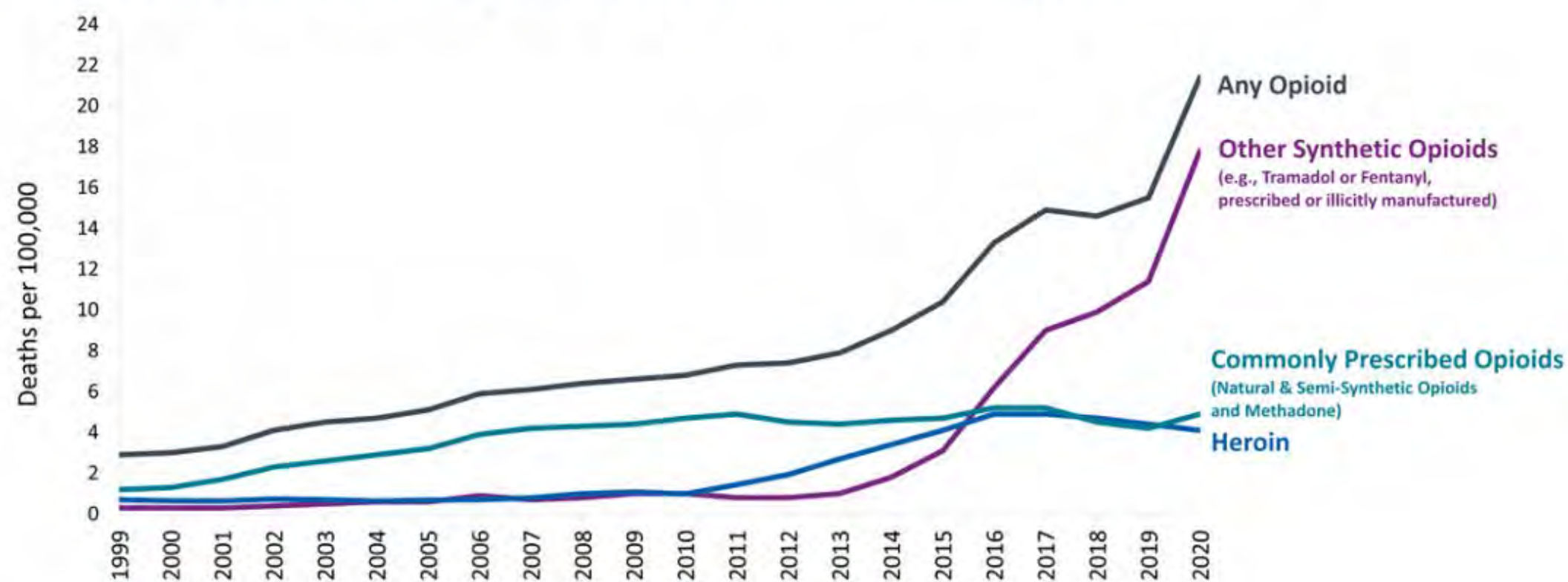
1. Increase prescription monitoring and data transparency
2. Expand treatment access
3. Crack down on fentanyl trafficking
4. Address the drug-crime nexus

Drug Users Are More Likely to Commit Crime or Go to Jail

According to the National Institute on Drug Abuse, an estimated [65%](#) of the U.S. prison population has an active substance use disorder, and an additional 20% are incarcerated for a crime involving drugs or drug use. While there are competing [theories](#) on the causal mechanisms behind drug use and criminality, a body of research has established a high correlation between the behaviors, including the [finding](#) that serious drug use “intensifies and perpetuates pre-existing criminal activity.”

As opioid prevalence and [overdose deaths](#) continue to rise in the U.S., addressing the opioid epidemic has become an increasingly important part of the conversation on reducing crime and recidivism.

People who use opioids are at a particularly high risk of engaging in criminal activity. A 2018 [study](#) found approximately 20% of prescription opioid addicts and 40% of heroin users were recently involved with the criminal justice system, which means that opioid users had a 13-fold increase in criminality.



Source: [CDC](#)

Prescription and Illicit Opioids Are Easy to Get in the U.S.

Today, the U.S. has the highest per-capita opioid [use](#) of any country in the world. Not only that, but the U.S. prescribes more opioids than any other country- generally at higher doses, with higher potencies, and at greater frequencies in treatment. Most [prescription use](#) can be attributed to rising hydrocodone and oxycodone prescriptions. In 2021, the United States constituted 5% of the world's population, 30% of the world's opioid use, and **99% of the world's hydrocodone**.

To monitor the availability of prescription opioids, identify high-risk patients, and limit misuse, all 50 states have created a statewide Prescription Drug Monitoring Program (PDMP). However, this program is [under-utilized](#) by health care providers, and only [39 states](#) actually require prescribers to consult the PDMP for patients' drug histories before prescribing opioids. The remaining 11 states should pass this common-sense law now. While PDMPs have succeeded in reducing opioid prescription rates, there are additional actions states can take to maximize their effectiveness.

PDMP requirements and funding varies widely across states. States that do not already do so should:



Fully fund [PDMP integration](#) with state electronic health records and pharmacy systems



Improve [clinician training](#) on how to use and interpret PDMPs



Provide [unsolicited, automatic reports](#) to prescribers, dispensers, and law enforcement to flag potential abuse or "prescription shopping"



Increase interstate PDMP [data sharing](#)

But these programs will not reduce the availability of illicit opioids like heroin and synthetic opioids like fentanyl that are already [cheaper and more accessible](#). People denied opioid prescriptions may [turn](#) to these unregulated alternatives. To account for this, policies also need to focus on expanding addiction treatments and cracking down on fentanyl trafficking.

Medication-Assisted Treatment For Opioids Works, But Isn't Widely Used

The 2018 [SUPPORT for Patients and Communities Act](#) was an important first step. It expanded treatments for opioid use disorder (OUD) by requiring that Medicaid cover all medication-assisted treatment (MAT), a strategy which combines the use of medication with counseling and has proven [most effective](#) in combating OUD. It also appropriated federal matching funding to states that decided to expand services in “institutions for mental disease.”

The Department of Health and Human Services also offers [State Opioid Response](#) (SOR) and [Tribal Opioid Response](#) grant programs to bolster states' and Tribal communities' resources and capacity to prevent OUD, increase access to MAT, and provide recovery support services. This year, President Biden announced his administration would provide [\\$1.5 billion](#) in SOR grant funding.

However, in 2020 only [16%](#) of Medicare beneficiaries with OUD received treatment medication. And less than half of those who received medication also received behavioral therapy. A recent [study](#) by researchers at Columbia University analyzed results of the 2019 National Survey on Drug Use and Health in the U.S. and found only 28% of adolescents and adults with OUD received treatment medication, with 57% receiving no treatment at all and 15% receiving only services without medication.

[Focus groups](#) with local health care providers and interviews with treatment experts conducted by Pew Charitable Trusts and Health Management Associates revealed several factors contributing to this treatment gap. These include the stigma surrounding OUD and MAT, lack of resources/capacity in primary care, high administrative and cost burdens, and social determinants of health that limit patient access to care (e.g. housing, financial stability, transportation).

Here are a few ways to address this treatment gap:

Pass the Restoring Hope for Mental Health and Well-Being Act of 2022. In June 2022, this [bill](#) passed the House with overwhelming bipartisan support. It currently awaits further action in the Senate. This bill would eliminate the DEA waiver requirement for prescribing buprenorphine to treat OUD and the requirement that patients have an OUD for at least one year before being eligible for opioid treatment programs.

Repeal or reform state laws that limit access to opioid treatment programs. Opioid treatment programs ([OTPs](#)) are federally certified health care facilities that are authorized to administer medication-assisted treatments. A 2022 [study](#) by Pew Charitable Trusts finds that 19 states and D.C. impose barriers on opening new OTPs by requiring a certificate of need for a new facility. 16 states mandate that OTPs obtain an additional pharmacy license or registration, while 15 states require OTPs to hire or consult a pharmacist. Only nine states require OTPs to be open outside of business hours, while eight states require a government ID to access treatment. Federal laws on OTPs should be amended to reduce these state inconsistencies and barriers.

Require hospitals to offer inpatient and emergency department OUD treatments. An estimated [4-11%](#) of hospitalized patients in the U.S. have OUD. Offering admitted patients with OUD an opportunity to start buprenorphine induction while hospitalized and referring them to clinics for outpatient treatment after discharge has proven [effective](#) in reducing opioid misuse. States should follow the lead of Massachusetts, which passed a law in 2018 requiring hospital [emergency departments](#) to offer MAT to all patients.

Fentanyl Is Responsible For a Growing Share of U.S. Overdose Deaths

While these prevention and treatment efforts are essential to reduce the demand for opioids in the U.S., actions must also be taken to limit the available supply.

As heroin overdose deaths continue to steadily decline, synthetic opioids like fentanyl have become the DEA's primary concern. From 2019 to 2020, synthetic opioid-involved death rates (excluding methadone) increased by [56%](#). Under the [One Pill Can Kill](#) initiative, the DEA's enforcement operation from May to September 2022 resulted in the seizure of over 10.2 million fentanyl pills and 980 pounds of fentanyl powder.

After China expanded legal controls over fentanyl and related substances in 2019, Mexican drug cartels are now the [primary suppliers](#) of synthetic opioids in the U.S. Although, China remains the dominant supplier of fentanyl's chemical inputs.

A crucial first step to limiting the illegal supply of synthetic opioids is to pass the [END FENTANYL Act](#) introduced by a bipartisan group of senators in June 2022. The bill requires the Commissioner of U.S. Customs and Border Protection to update its interdiction policies at least once every three years. This has major implications for the rules guiding the monitoring of illegal trafficking at the southern border, which must regularly adapt to the changing drug environment.

To Create Effective Drug Policies, the U.S. Needs More Timely, Accurate, and Comprehensive Data

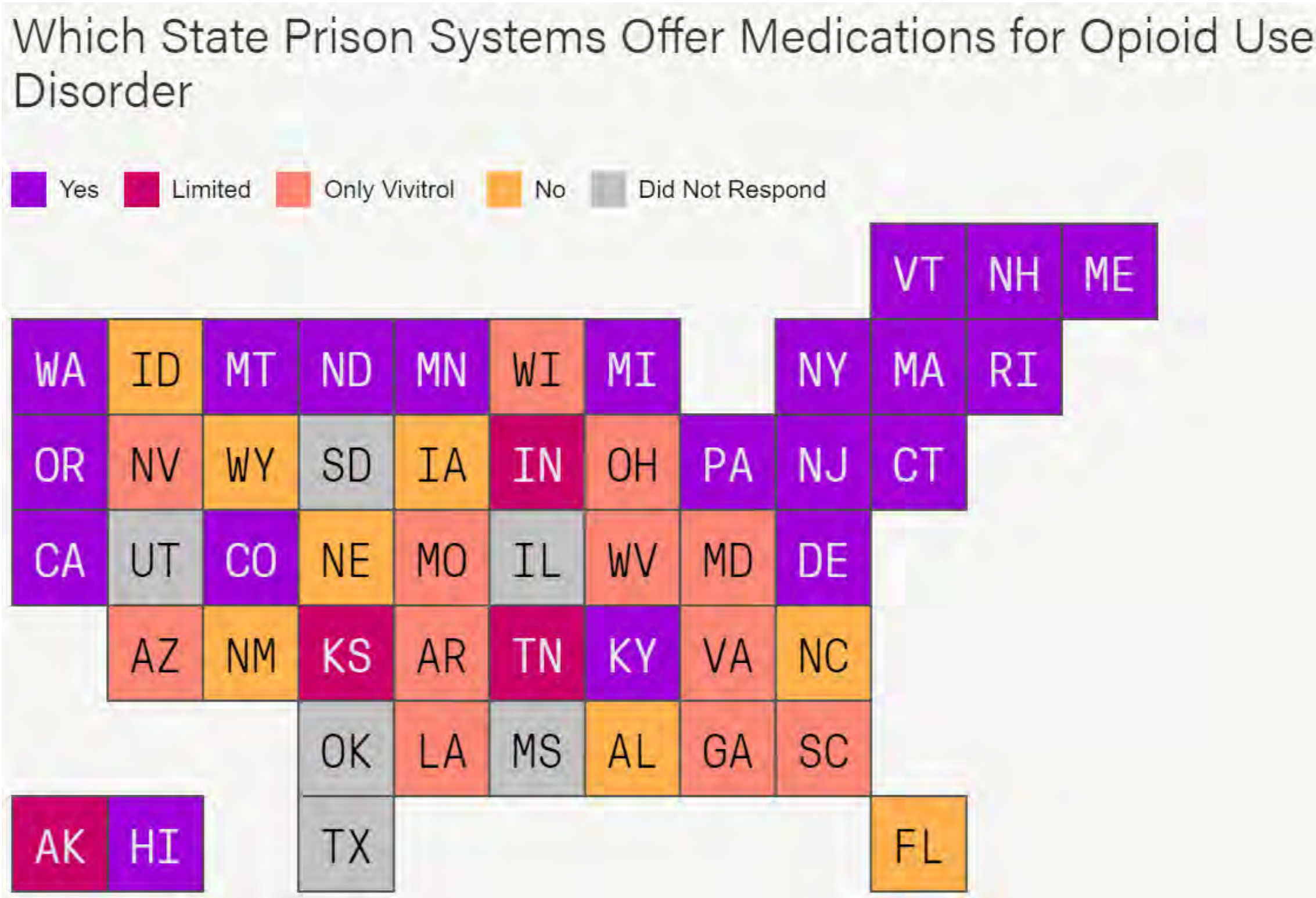
The [Commission on Combating Synthetic Opioid Trafficking](#), established in 2020 under the [National Defense Authorization Act](#), calls for an enhanced opioid market surveillance system that collects and analyzes real-time data on drug market trends, including new substances, distribution and consumption patterns, sourcing, supply decisions, and other drug-use related behaviors. To do so, the Commission proposes introducing wastewater analysis to detect drug metabolites, establishing a nationwide network of emergency department drug surveillance programs that collect urine samples from people who have overdosed, and reinstating the Arrestee Drug Abuse Monitoring Program. These practices could yield data to inform a national early-warning system.

A [growing share](#) of fentanyl trafficking cases investigated by the DEA have involved the use of social media apps like Snapchat, Facebook, Instagram, and TikTok to facilitate transactions. Many [young Americans](#) are using these apps to purchase prescription pills, which turn out to be counterfeit pills laced with fentanyl, producing fatal consequences. While these companies are engaging in public information campaigns and interrupting drug exchanges, they often fall short of identifying and removing dealers from their platforms. The Commission recommends creating stronger accountability laws for online platforms and harnessing algorithms and machine learning as well as public-private partnerships to identify dealers. Similar tactics can be used to prevent the online sale of chemical inputs to fentanyl manufacturers.

Making drugs less accessible and treatments more available partially addresses the drug-crime nexus by reducing the likelihood of addiction and subsequent criminal activity. However, more action needs to be taken to curtail substance use among those already in the criminal justice system.

People in Jail Need Treatment the Most, but Receive it the Least

According to the National Academy of Sciences report on Medications for Opioid Use Disorder, only [5%](#) of incarcerated people with OUD receive medication treatment. As of 2020, only [10 states](#) offered MAT in state-run prisons. Other states offer methadone or buprenorphine without additional services, and at least [eight states](#) don't offer treatment of any kind.



Source: [The O'Neill Institute for National and Global Health Law](#) and [The Marshall Project](#)

A 2019 [study](#) published in the journal Substance Abuse describes the factors used to justify this limited access to MAT as doubts surrounding its effectiveness during incarceration, insufficient staff and funding, overdose risks, vague security concerns, and the stigma surrounding MAT.

Without treatment, formerly incarcerated individuals are at a significantly heightened risk of relapsing, overdosing, and committing another offense after their release. According to the Substance Abuse and Mental Health Services Administration ([SAMHSA](#)), “Within 3 months of release from custody, 75% of formerly incarcerated individuals with an OUD relapse to opioid use, and approximately 40 to 50% are arrested for a new crime within the first year.”

Under the First Step Act passed in 2018, the federal Bureau of Prisons was required to expand access to MAT in the federal prison system. According to The Marshall Project, in July 2021 less than [2%](#) of 15,000 MAT eligible federal inmates were receiving medication.

Several states have already begun implementing treatment programs in county jails and state prisons, with positive results. In Massachusetts, the programs resulted in a [9.7%](#) reduction in crime, while Rhode Island's program contributed to a [60.5%](#) decrease in the overdose death rate among the recently incarcerated population. In general, existing programs are operated by state corrections and public health departments and are funded through SOR grants, Medicaid, and/or community partnerships.

To build upon these results, states should pass laws to:

- Eliminate policies that prohibit the use of MAT medications in correctional facilities or drug courts
- Screen all incarcerated individuals for OUD and enroll eligible individuals in a treatment program
- Require county jails and state prisons to offer MAT programs with all three FDA-approved medications
- Refer or link individuals with post-release services and Medicaid-covered community treatment programs

To prevent unnecessary incarceration, police officer-led diversion programs should be adopted in local police jurisdictions. First implemented in Seattle in 2011, the Law Enforcement Assisted Diversion ([LEAD](#)) initiative is the primary model for this practice. It has since been implemented in Santa Fe, Albany, Portland, and Baltimore, among other jurisdictions. LEAD is a harm-reduction initiative that involves police officer training to divert non-violent individuals with “behavioral health needs” who committed low-level offenses to a community-based intervention as opposed to incarceration. The intervention often involves drug treatment and/or mental health and housing services.

Americans Across the Political Spectrum Want More Done On Opioids

The impact of drugs transcends politics. [CDC data](#) on drug overdose mortalities by state in 2020 singled out blue, red, and purple states with the highest death rates, including Delaware, Connecticut, New Mexico, Pennsylvania, Ohio, West Virginia, Tennessee, and Louisiana.

It's no wonder then that all voters care about these issues. In a [survey](#) conducted by the University of Maryland an overwhelming majority (80%) of Americans said it should be a very or somewhat high priority for the government to ensure treatment is available for substance use disorder (SUD), including 67% of Republicans and 94% of Democrats. Almost every congressional reform option included in the survey enjoyed considerable bipartisan support, including expanding funding for treatment programs, increasing access to prison treatment programs, and training officers to divert non-violent criminal offenders with SUD to treatment.

At the federal level, a bipartisan group of senators has [introduced legislation](#) to reauthorize the Substance Abuse Block Grant program with a new requirement that states spend no less than 10% of their grant funding on evidence-based recovery services. In FY 2019, the grant program accounted for [62%](#) of the total state SUD prevention expenditures. The grant program is set to expire in 2022, so it is crucial this legislation is passed. Unfortunately, it is still awaiting a vote in both houses. If not passed before the end of the 117th Congress, it should promptly be reintroduced in the next Congress.

Guns

1. Universal Background Checks
2. Red Flag Laws
3. No Gun Under 21

Americans bought about [20 million guns](#) in 2021— or 6 guns for every 100 Americans. In 2020, it was just under 23 million, the most in history. This is significantly higher than in the decade leading up to the pandemic, when annual sales ranged from [12 to 16 million](#). And this happened in a country that already has [more guns than people](#).

More Guns Means Less Safety, For the Public and the Police

Researchers from the American Public Health Association [compared](#) prevalence of gun ownership in each state to firearm homicide rates within that state. The researchers concluded that higher rates of gun ownership significantly predicts increased firearm homicides; for every 1% increase in ownership, there is a 0.9% increase in homicides. To confirm that more guns cause more crime and not the other way around, the researchers note that increases or decreases in gun ownership in one year correlated with increases or decreases, respectively, of crime rates up to two years later.

Criminals with guns don't just threaten the public; they endanger police, too. Between 2011 and 2020, guns were the [leading cause](#) of death in the line of duty, beating out car crashes and illness. Criminals having guns makes cops unsafe, and the police know it. Researchers from Harvard University [found](#), after controlling for violent crime rates, officers in states with high gun ownership shoot and kill suspects nearly four times more often than officers in low-gun states. This trend is consistent for both armed and unarmed suspects. This danger is precisely why the International Association of Chiefs of Police (IACP) [supports](#) stricter regulation on “the weapons of choice for gang members and drug dealers” that are “all too often used against police officers.” The IACP has called for assault weapon bans, bump stock bans, and expanded background checks.

Background Checks: Tough On Crime, Convenient For Law-Abiding Gun Owners

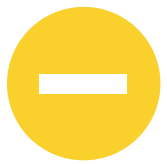
A crucial step to reducing violence is to keep guns out of criminals' hands. In this regard, the U.S. has taken effective but insufficient steps: licensed dealers are required by federal law to conduct a background check on all gun buyers, but no such requirement is in place for [private gun sales](#). “Private sales” can include transfers between friends and family or sales made online or at gun shows. Nearly a quarter (22%) of guns purchased between 2015 and 2017 did not require a background check, according to [survey results](#) of buyers from that period.

Background checks are a fairly noninvasive yet effective regulation. The vast majority of gun owners are law-abiding citizens and thus can easily pass a background check. One [analysis](#) from the University of Pittsburgh found that less than 20% of local gun crimes were committed by legal gun owners. Further, 99% of Americans live within [ten miles](#) of a licensed gun dealer, where background checks for private transfers would be conducted under most proposals. In fact, there are four times as many gun dealers as McDonald's restaurants. Perhaps that's why the NRA [lobbied for](#) background checks—and many other gun control policies— until the 1970s, and why 72% of NRA members [supported](#) universal background checks in 2015.

But while federal law has fallen short:



[17 states](#) and D.C. require background checks for all gun sales



4 states require checks for all handgun sales, but not for long guns like rifles



29 states require checks only for sales by licensed gun dealers

These universal background checks are “[significantly associated](#)” with 9.6% lower homicide rates, according to researchers from Boston University. When background checks are paired with laws that prohibit dangerous people from possessing guns, such as those who have committed violent misdemeanors, **the homicide rate drops by 34%**. It’s no surprise, then, that universal background checks were ranked the most effective policy in preventing gun deaths by a [New York Times panel](#) of 32 gun policy experts.

The House has passed universal background check legislation multiple times, but the bill has never advanced through the Senate. The [Bipartisan Background Checks Act](#) of 2021 would require all private gun sales to be conducted through a licensed dealer, who would run a background check on the recipient. The bill allows exceptions for:

- transfers between spouses and immediate family
- temporary transfers for hunting or target shooting
- temporary transfers for life-threatening emergencies, such as if the owner is suicidal or the recipient is in imminent danger.

Red Flag Laws Can Prevent Tragedies, But Only If People Know How to Use Them

Another important factor in reducing gun violence is temporarily removing guns from people in crisis. [19 states](#) and D.C. have implemented Extreme Risk Protection Orders or “red flag” laws. Under this policy, police or family members may file a petition asking a court to confiscate guns from people who are threatening to harm themselves or others. With sufficient evidence, a judge may authorize a temporary confiscation (usually one to two weeks) until a hearing can be arranged with the gun owner to determine when the gun(s) can be safely returned.

Red flag laws are a relatively new development. Although Connecticut passed the first one in 1999, nearly all red flag laws were implemented within the [last decade](#). As a result, there are [limited studies](#) on the subject and their effect on crime, but some evidence suggests red flag laws reduce suicides. A Duke Law School [study](#) of Connecticut found that one suicide was prevented for every 11 guns removed, and a [study](#) of Indiana found that its red flag law decreased suicides by nearly 14%.

Red flag laws could also be instrumental in the fight against mass shootings. A National Threat Assessment Center [study](#) of school shootings between 2008 and 2017 found that 100% of the perpetrators exhibited “concerning behaviors” before their attacks. Further, 83% made threats or shared their plans with others. While “concerning behavior”—which in the report includes angry outbursts, fascination with weapons, or exhibiting depression— may not be sufficient to warrant a red flag confiscation, making threats or sharing attack plans would almost certainly qualify.

Of course, having a red flag law on the books is not enough to prevent mass shootings or even suicides; officials must invoke them. Since 2020, red flag laws have been used to remove 15,000 guns, which comes out to a “[woefully low](#)” 10 guns per 100,000 adult residents of the states that have them. Gun policy expert and Duke University researcher Jeffrey Swanson said about limited red flag use: **“It’s as if the law doesn’t exist.”**

One explanation for the low rate of red flag confiscations is that citizens do not know that they’re available. In a 2020 [survey](#), two-thirds of California adults had not heard of red flag laws and were unaware that their state had one. As a result, 96.5% of petitions in the state are [filed by](#) law enforcement officers, who obviously don’t know the gun owner as well as their family. Officers across the country also report confusion and frustration with the petition process because, as New York Supreme Court Justice Craig Stephen Brown [wrote](#), “It does not appear their training includes the legal nuances necessary for them to proceed” with the petitions in court.

For red flag laws to be successful, the public needs to know about them and police need better legal training to file them. In July 2022, California announced [\\$11 million](#) in grants to educate the public—especially those in communities most affected by violence— on the state’s red flag law, as well as training for district attorneys and police officers to file the petitions. Other states should replicate these efforts, perhaps with funding from this year’s [Bipartisan Safer Communities Act](#) which allocates \$750 million in incentives for states to establish and fund red flag laws.

100%

of school shooters between 2008 and 2017 exhibited "concerning behaviors" before their attacks, according to the U.S. Secret Service National Threat Assessment Center. These behaviors include threats of violence against others or self-harm, bringing weapons to school, interest in violent topics, and bouts of depression and/or anger.

83%

of school shooters between 2008 and 2017 signaled their intentions prior to the attack, according to the National Threat Assessment Center. This includes threats against the target, or verbal or written communications referencing the attack plan to others.

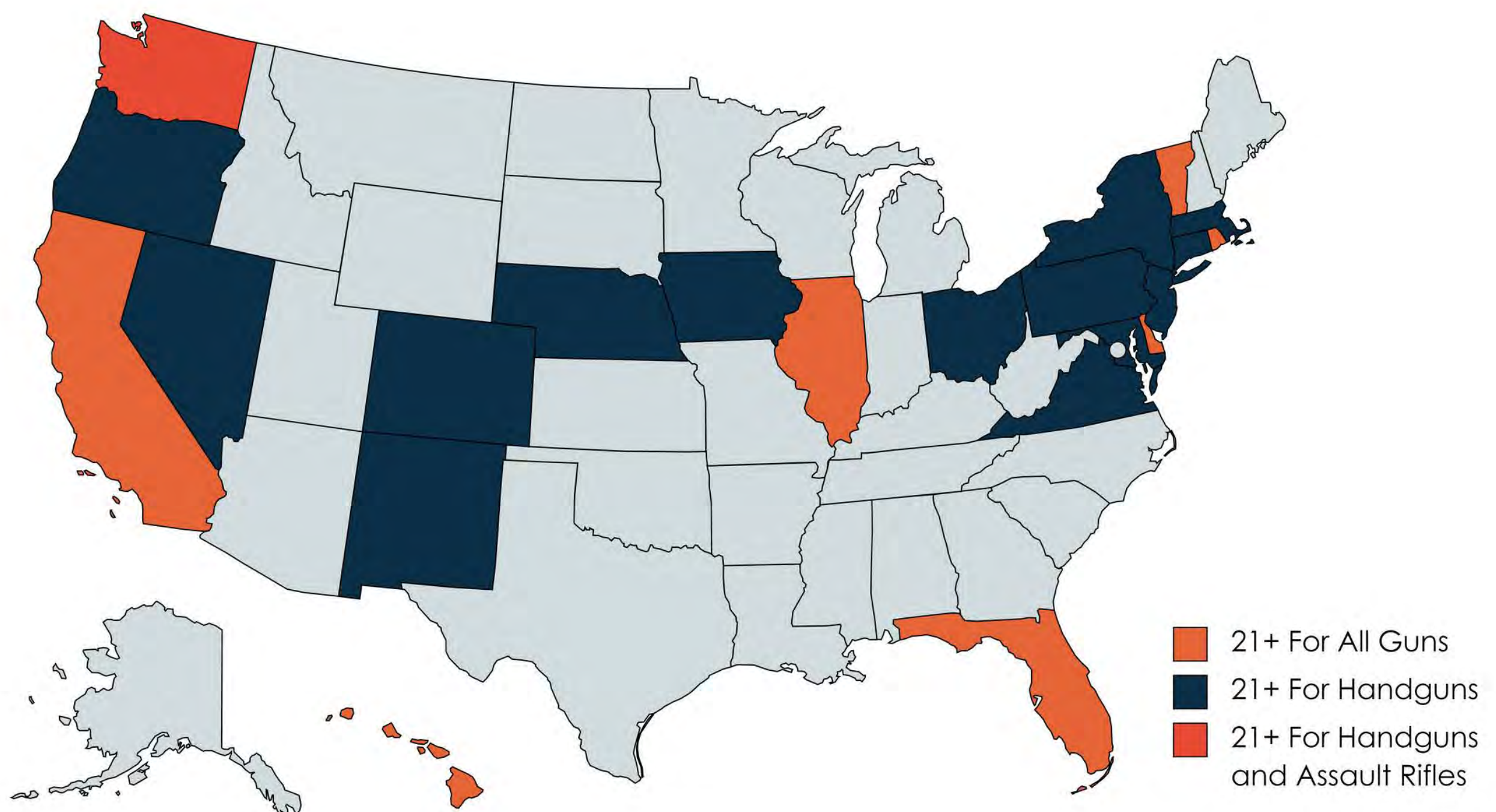
66%

of California adults had not heard of red flag laws and were unaware that their state had one, according to a 2020 analysis in the Journal of the American Medical Association. These Californians would be unable to invoke the law in an emergency.

Federal law allows impulsive, emotional teenagers to own assault rifles

In addition to keeping guns away from the most violent people, we also need to keep them away from the most impulsive: people under 21. Scientific literature has [shown](#) that the prefrontal cortex— the brain region responsible for judgment and impulse control— does not fully develop until around age 25. Until then, young people are more prone toward violence. Those 18 to 20-years-old make up 4% of the general population but commit 17% of homicides, a rate [three times higher](#) than adults aged 21 and up. And six of the nine deadliest mass shootings since 2018 were [committed](#) by people 21 and younger.

And yet federal law places few age limits on guns. Licensed firearms dealers can't sell handguns to people [under 21](#), but they are free to sell long guns to anyone over 18. For private sellers, it's 18 and up for handguns and no age limits on long guns. 22 states have enacted [stricter age limits](#) than the federal baseline:



Raising the minimum age to buy a gun is not an effective solution on its own. A [RAND analysis](#) found that while raising the age for gun purchases is associated with a decrease in suicides, there is inconclusive evidence that it reduces mass shootings or violent crime in general. One reason why, according to [researchers](#) from the University of Washington, is because most of the guns used by 18-20 year olds to commit crime “are acquired from sources unlikely to be affected by statutory restrictions.” Indeed, in a [study](#) of people incarcerated for gun crimes in 13 states with the least restrictive laws, only four percent of those under 21 got their gun from a licensed dealer. It is more common for youths to receive or steal guns from a family member, or to buy one from an underground seller. The University of Washington researchers found that people 24 and under are involved in 42% of all gun trafficking investigations, “underscoring the fact that many delinquent youth and young adults acquire firearms from informal transfers instead of traditional retail sales.”

Gun laws work best when multiple complementary approaches are taken together.

Fortunately, many states do combine minimum age with other gun laws. And it works. 16 states and D.C. have universal background checks, red flag laws, and 21 as the minimum age for at least handguns, according to The New Center's analysis of data from [Everytown and Giffords](#). According to RAND's [expert-opinion tool](#), gun policy experts who favor more restrictive laws believe these three policies combined would reduce gun homicides by 14% (or 2,000 per year) and gun suicides by 16% (3,800 per year). Even experts who support more permissive laws admit these three policies would lessen gun violence.

There is strong bipartisan support for sensible gun laws.

Universal background checks, red flag laws, and raising the minimum age are not only effective, they're also among the most popular gun policies. A June 2022 [Quinnipiac poll](#) found that:

92% of Americans, including **89% of Republicans**, favor universal background checks

83% of Americans, including **77% of Republicans**, favor red flag laws

74% of Americans, including **59% of Republicans**, favor raising the age to own guns

Even some Republican elected officials support these policies, but not to the extent that the party's voters do. Red flag laws in Florida, Indiana, Maryland, and Massachusetts were all signed into law by Republican governors. [Eight](#) House Republicans voted for universal background checks this year, and [ten](#) supported raising the age to 21, but neither bill has passed the Senate.

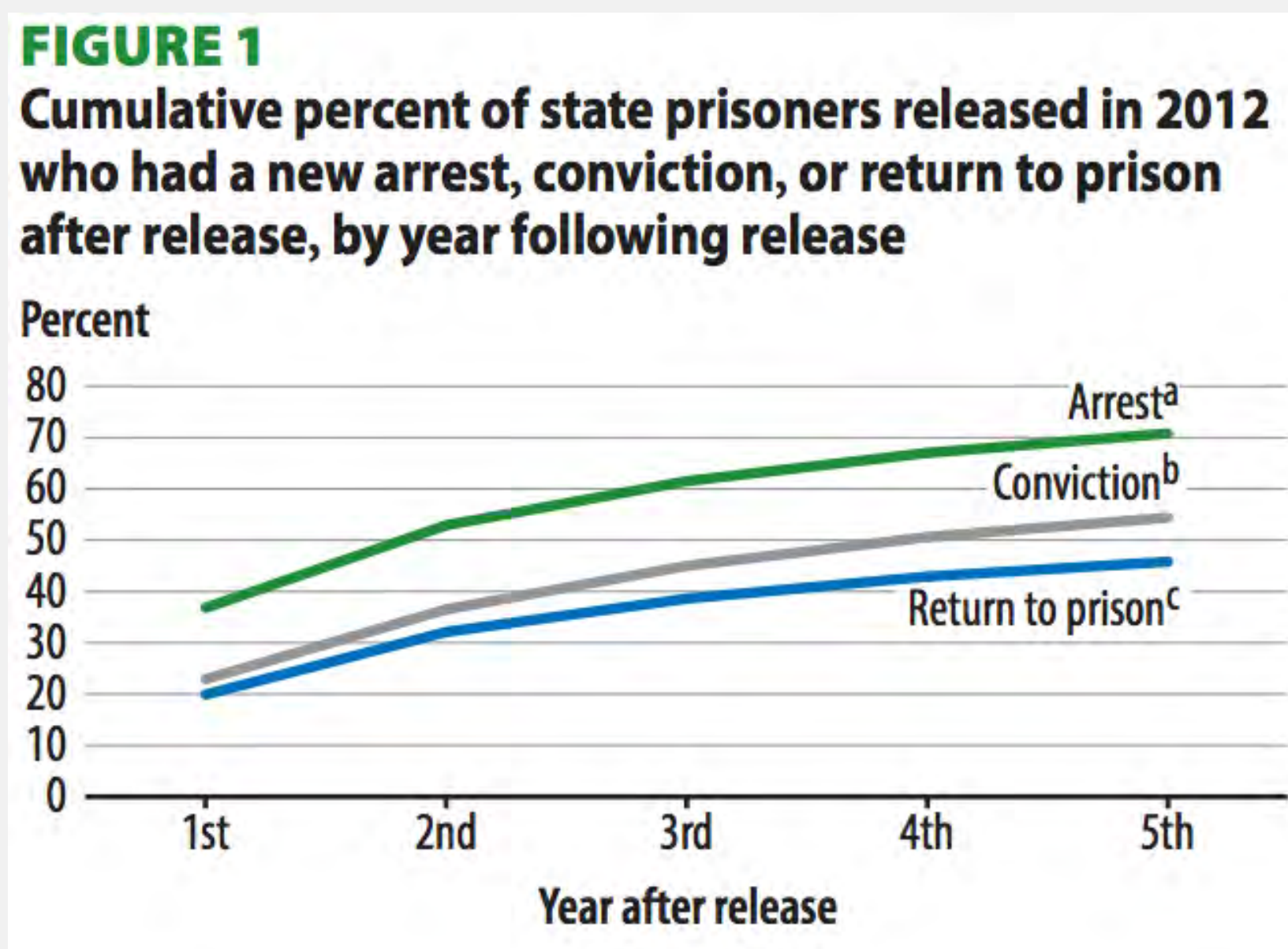


Recidivism

1. Pass bipartisan legislation building on the First Step Act
2. Remove barriers preventing ex-prisoner access to basic necessities
3. Improve reentry support programs and services

The U.S. has among the highest recidivism rates in the developed world. In other words, there is a high likelihood that someone who leaves the American criminal justice system will commit another crime within the course of a few years. Therefore, reducing recidivism embodies a crucial aspect of preventing crime.

According to a Bureau of Justice Statistics (BJS) [study](#) conducted in 2012 that tracked the criminal activity of over 400,000 state prison releasees in 34 states, 62% of offenders were rearrested within three years, and up to 71% within five years. Rearrest rates were highest among the youngest age cohort studied (age 24 or younger). With these statistics, it's no wonder that the phrase "[prison's revolving door](#)" has emerged.



Source: [Bureau of Justice Statistics](#)

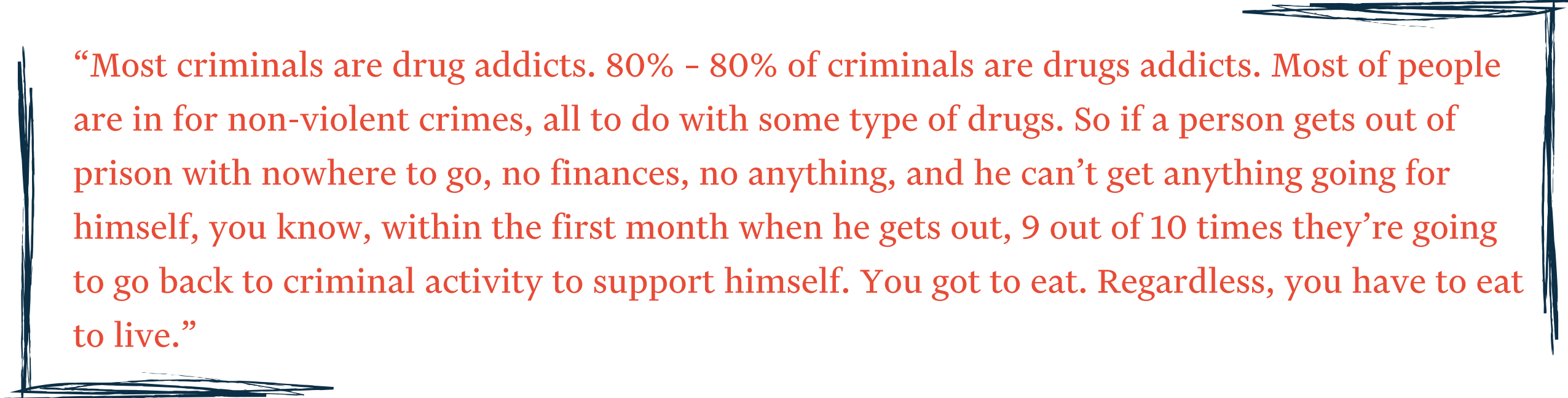
While recidivism rates have steadily declined since the previous BJS studies in 2005 and 2008, recidivism remains a key challenge. America's high rearrest, reconviction, and reincarceration rates also help to explain the size of its incarcerated population. By the end of 2020, [1.81 million](#) Americans were held in state, local, or federal correctional facilities, surpassing the prison population of any other nation in the world.

Lack of food, shelter, or work often causes recidivism

When formerly incarcerated individuals reenter society, they face significant [collateral consequences](#) that impact every aspect of life from securing housing and employment to accessing education and public benefits programs. Beyond the stigma surrounding incarceration, which often leads to discrimination in application processes, these collateral consequences include legal restrictions on those with a criminal record. For example, many states ban former convicts from public employment, while federal laws ban access to public housing and the Supplemental Nutrition Assistance Program (SNAP) for certain convictions. Individuals with a criminal record are also targeted by [occupational licensing laws](#) that restrict them from entering certain industries.

As a result, about one third of formerly incarcerated individuals end up in homeless shelters after release, and 60% remain unemployed one year following release. As discussed earlier, without access to treatment many ex-prisoners continue to battle drug addiction upon release. Under these circumstances, crime may feel like a necessary means of survival.

In a [focus group](#) conducted by researchers at Texas State University, here's how one formerly incarcerated individual described the situation:



“Most criminals are drug addicts. 80% - 80% of criminals are drugs addicts. Most of people are in for non-violent crimes, all to do with some type of drugs. So if a person gets out of prison with nowhere to go, no finances, no anything, and he can't get anything going for himself, you know, within the first month when he gets out, 9 out of 10 times they're going to go back to criminal activity to support himself. You got to eat. Regardless, you have to eat to live.”

Another ex-prisoner participating in a RAND Corporation [focus group](#) on the challenges of reentry admits to breaking a window in a parole office with the goal of being reincarcerated and hopefully receiving help for his substance use disorder. As the researchers put it, “his desire to change was even stronger than his desire to stay out of prison.”

Ex-prisoners should not have to choose between addiction and homelessness or reincarceration. High barriers to employment, housing, and public services should not continue to punish individuals who have served their time and are seeking to change.

To prevent discrimination in hiring, [37 states](#) have already adopted Ban the Box laws requiring public employers to remove the question about criminal history from their initial application. Of these, 15 states also apply this law to private employers. Seven states go a step further and have passed [Clean Slate laws](#) which allow certain types of criminal records to be automatically expunged or sealed after a specified period of time pending no additional convictions. According to the [Institute for Justice](#), 39 states and D.C. have adopted at least one reform measure to relax occupational licensing laws targeting those with a criminal record.

In terms of housing, in 2016 the Department of Housing and Urban Development issued [updated guidelines](#) clarifying that under the Fair Housing Act landlords are prohibited from automatically rejecting applicants with a criminal record, which disproportionately impacts minorities. Last year, New Jersey passed the [Fair Chance in Housing Act](#) applying similar Ban the Box provisions to housing applications. A number of U.S. cities including Oakland, D.C., Seattle, and Portland have passed similar laws at the local level.

These laws should continue to be expanded to eliminate barriers to successful reentry. At the same time, additional initiatives must focus on creating a better reentry support system for formerly incarcerated individuals to put them on a path towards self-sufficiency.

In 2018, the [First Step Act](#) was signed by Donald Trump after passing with strong bipartisan support. It included comprehensive criminal justice reforms and targeted measures to reduce recidivism. It introduced a system which qualified inmates for “recidivism reduction programs” for which they could earn “good time credit.” The Federal Bureau of Prisons was tasked with implementing evidence-backed “productive activities” like behavioral counseling, vocational training, and educational programs including drug treatment and education classes. The reform gave special priority to inmates based on risk of recidivism. Prison inmates with a low enough risk of recidivism became eligible to apply their good time credit towards pre-release custody.

In 2021, Senators Chuck Grassley and Dick Durbin— the Republican and Democratic heads of the Judiciary Committee— introduced a [successor](#) to the First Step Act, the [First Step Implementation Act](#). The bill would have allowed courts to retroactively apply the First Step Act’s sentencing reforms to inmates sentenced prior to its enactment. It also proposed allowing courts to reduce juvenile offenders’ sentences after 20 years have been served and giving judges discretion to issue sentences below a mandatory minimum for some nonviolent drug offenses.

Unfortunately, political consideration in advance of the midterms scuttled negotiations. Despite the First Step Act passing the majority Republican Senate [87-12](#), many of the same Republicans who supported it have now [altered their tone](#) to reflect the “tough on crime” campaign approach that sidelines criminal justice reforms as part of the problem and solution to rising crime rates. This includes Senate Minority Leader Mitch McConnell (R-KY), Senator Ted Cruz (R-TX), and Senator Ron Johnson (R-WI).

But now that the election has passed, the new Congress will clearly have a legislative foundation they can and should build on to reduce recidivism. The First Step Implementation Act, as the name implies, is necessary to advance the goals of the original bipartisan legislation. The next Congress should reintroduce and pass this legislation. In addition, new state and local legislation may consider the following initiatives, which various studies have linked to lower recidivism rates:

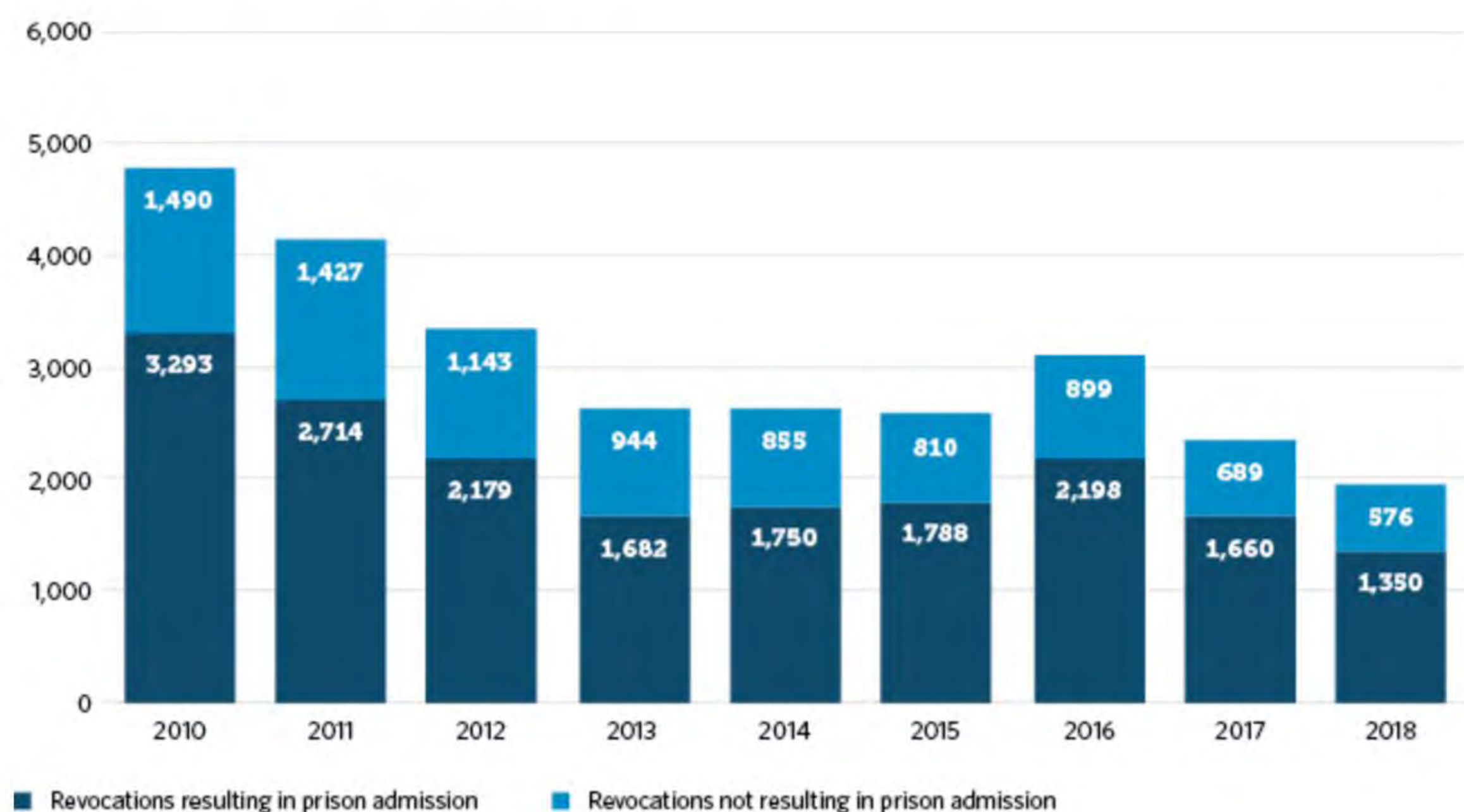
Connecting formerly incarcerated individuals with essential resources:

- Mandating assistance with [pre-release enrollment](#) in government assistance programs like Medicaid, SNAP, and Supplemental Security Income
- Implementing the [Homecoming Project](#), which “provides subsidies to homeowners in exchange for renting a room at an affordable rate to someone returning home from prison”
- Establishing transitional state prisons like Georgia’s [Metro Reentry Facility](#) in Atlanta dedicated to supporting inmates near release in their reentry
- Partnering with local or state universities to implement [Project Rebound](#), a program that assists formerly incarcerated individuals in applying for and enrolling in university
- Connecting inmates with state and local [reentry programs](#), including job reentry assistance
- Increasing funding to drug treatment programs and [drug courts](#)

Reforming ineffective policies & practices:

- Reducing the penalties for [technical violations](#) of probation or parole (e.g. missing a meeting with your parole officer) to [limit or prohibit](#) reincarceration (see below)
- Funding and implementing "[community supervision training](#)" for parole/probation officers to learn and apply rehabilitative practices
- Expanding access to [youth incarceration alternative programs](#)
- Studying and mitigating the risks associated with returning ex-prisoners to the same [neighborhoods](#) they lived in before imprisonment (a factor which is especially predictive of reincarceration)

Figure 3
South Carolina Prison Admissions for Rule Violations Fell by More Than Half After Reforms
Technical revocations by sanction, 2010-18



Source: [Pew Charitable Trusts](#)

A BETTER JUSTICE SYSTEM



Treat Mental Health, Don't Police Mental Health

1. Create and fund mental health first responder units

An analysis of 911 calls from eight U.S. cities found that between [21-38%](#) of the calls were related to mental health, substance misuse, well-being checks, homelessness, or other “quality of life concerns” that could best be addressed by mental health professionals. When police are dispatched to these calls, as they usually are, it too often escalates into unnecessary use of force. The Washington Post’s database tracking police killings estimates about [1 in 5 victims](#) of fatal police shootings in 2019 were mentally ill.

Tragically, this was the case for twenty-six year old [Aaron Lynch](#). On July 7, 2022, police were called twice to Aaron’s home in Fairfax County, Virginia while Aaron was “behaving erratically” in the midst of a mental health crisis. In response to the first call, a mental health counselor with the department’s co-responder program accompanied officers to the scene. When they arrived, Aaron was unable to be found. At the time of the second call later that night, the department’s only mental health counselor was unavailable. Three officers arrived at the house, but failed to verbally de-escalate the situation. Body camera footage shows Aaron swinging a wine bottle, prompting officers to fire a taser at him. When Aaron’s behavior continued, he was shot four times. Aaron was pronounced dead at the scene. His parents’ released the following [statement](#):

“Had we known there was any possibility that the police responding to the second 911 call would use lethal force against Aaron during a mental health crisis, we would not have involved them until a mental health counselor could be present, as was the case for the response to the first 911 call.”

Police and the public favor community responder programs

A 2021 [focus group](#) of officers with the Durham Police Department as well as a separate [Police1 survey](#) reveal that police often feel “ill-equipped” to respond to mental health or crisis-related calls. In general, they support diverting these calls to public service groups with more specialized training or implementing co-responder programs with a mental health responder. Officers in the focus group even felt that responding to civil issues “impede[d] them from their actual duty of deterring crime and protecting Durham citizens.”

While increasing mental health and de-escalation training for police officers is necessary and widely popular, a new “community responder” approach to crisis intervention has been gaining support. Community responders are an unarmed crisis response team of mental health professionals, such as social workers, crisis counselors, or medics.

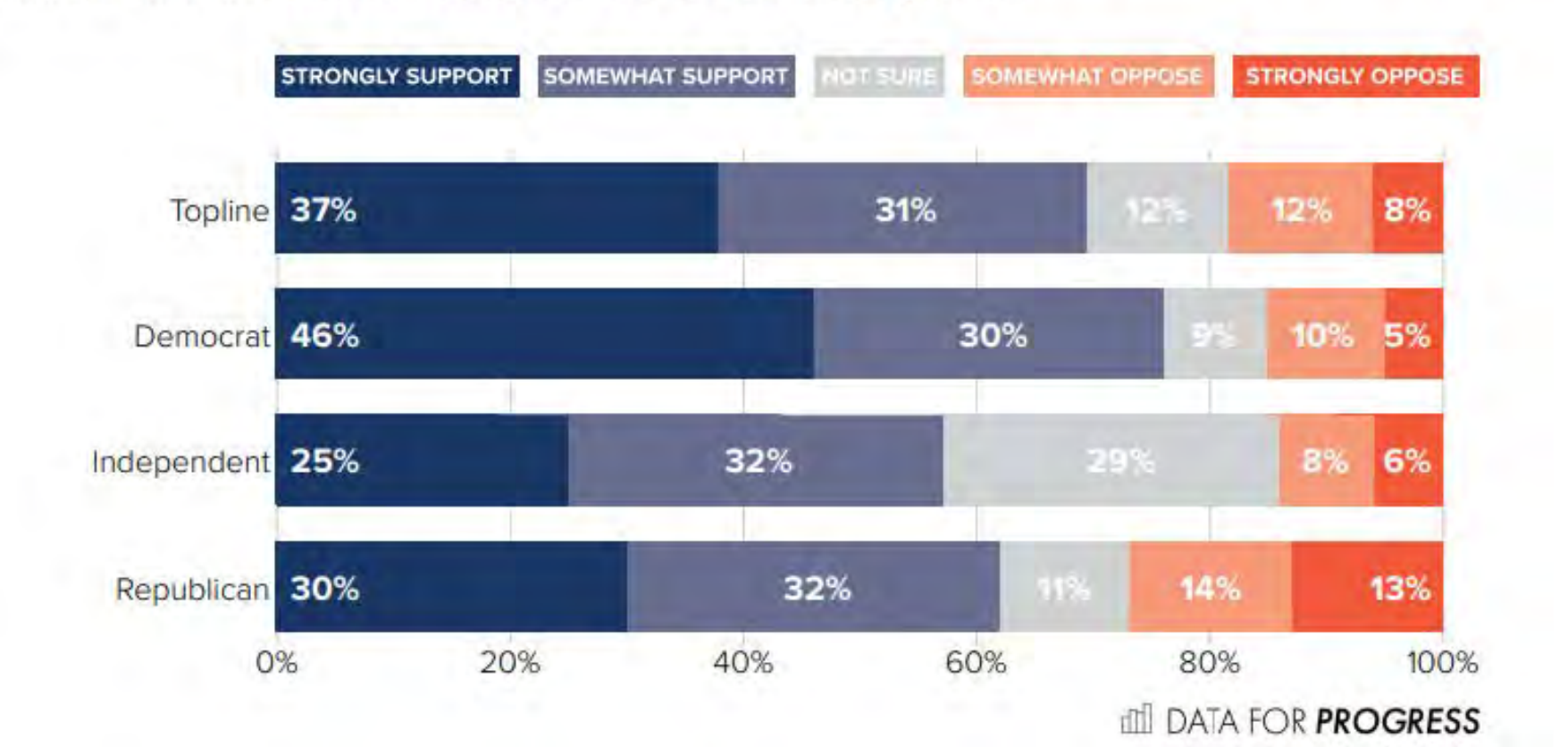


Crisis Assistance Helping Out On The Streets (CAHOOTS)

Eugene, Oregon’s Crisis Assistance Helping Out On The Streets ([CAHOOTS](#)) program has become the model for a successful community responder program. Funded by the [Eugene Police Department](#), CAHOOTS dispatches a medic and crisis worker through the police non-emergency line. In addition to diverting about [3-8%](#) of public safety calls away from law enforcement, CAHOOTS also handles a subset of calls that would not otherwise go to the police and participates in joint response efforts. In 2021, CAHOOTS was dispatched to 18,106 calls for service. In 2020, the program was estimated to have saved the city [\\$8.5 million](#) annually in public safety costs and \$14 million in ambulance and emergency room costs. Similar programs have been implemented in a number of cities across the U.S., including Denver, Portland, San Francisco, Los Angeles, New York, and Harris County, Texas.

Among voters, these programs are broadly popular. In a 2020 poll by [Data For Progress](#) 76% of Democrats, 62% of Republicans, and 57% of Independents supported creating a new agency of first responders to deal with substance use or mental illness-related crises. It makes sense that Americans want more attention on and specialized responses to mental health- they named mental health as their [top health concern](#) in 2022 more frequently than Covid-19.

Do you support or oppose creating a new agency of first responders, like emergency medical services or firefighters, to deal with issues related to substance use or mental illness that need to be remedied but do not need police?



Source: [Data For Progress](#)

The House-passed [Mental Health Justice Act](#) recognizes this by creating a grant program for the establishment or expansion of mental health first responder units. The \$250 million over five years would pay for the hiring, training, and dispatching of mental health professionals in lieu of police officers in mental health crises. The bill also proposes awarding additional funds to departments that adopt this program and demonstrate a reduction in arrests, deaths, and use of force against mentally ill people and increases in referrals to public services. President Biden's Safer America Plan also proposes grant funding for alternate responder programs.

Republican lawmakers agree that mental health is a problem. House Republicans [helped](#) to pass the Restoring Hope for Mental Health and Wellbeing Act to reauthorize mental health-related programs earlier this year, and Republican representatives like Texas Governor Greg Abbott and Senate Minority Leader Mitch McConnell have cited mental health as an [underlying cause](#) of rising gun violence. It would be inconsistent with their party's voters and their previous messaging on mental health for Republicans to oppose legislation to fund community first responder programs. Not to mention, the programs will save money and enable police to focus on the actual violent crimes threatening public safety- two other Republican talking points.

If the next Congress can reintroduce and pass the Mental Health Justice Act, more communities will be empowered to establish a mental health first responder program. To the maximum extent possible, these programs should become integrated in the community's public safety system. It can be [difficult](#) for dispatchers to identify mental health-related calls in the heat of the moment, so it is worth considering whether these programs merit their own crisis number.

Raising Clearance Rates: Overworked Detectives & Underfunded Crime Labs

1. Hire more detectives
2. Devote more state funding and resources to crime labs
3. Implement accountability and transparency measures in forensic testing

A 2022 [CBS News](#) article describes the chances of getting away with murder in the U.S. today as a "50-50 coin flip." Unfortunately, it's a pretty accurate analogy. In 2020, the homicide clearance rate in the U.S. reached a historic low at just [54%](#). In the same year, the clearance rate for rape was [30%](#) while property crimes hovered around 16%. In the 1960s the homicide clearance rate was 90%, and in 2013 it was [64%](#).

The clearance rate represents the portion of cases solved or "cleared" by police relative to the total number of cases reported in a given year. Cases can also be cleared by "[exceptional means](#)," meaning "police believe they had enough evidence, but were unable to make an arrest." According to The Marshall Project, this can occur under a number of circumstances, including "when the suspect has died, can't be extradited, or if prosecutors refuse to press charges." In 2020, at least [400](#) homicide cases were cleared by exceptional means.

Low clearance rates are concerning because it means both that victims and their families do not get justice and that murderers and violent criminals remain out on the streets. Also, cases with Black and Latino victims are [more likely](#) to remain unsolved. When people of color are disproportionately deprived of justice, it can exacerbate already low levels of community trust in police.



Source: [CBS News](#)

A number of credible explanations for the declining clearance rates have been proposed, including:

- [Higher standards](#) for making arrests, greater police scrutiny, and the implementation of [Miranda rights](#) limit arrests of innocent people
- Rise in guns as primary murder weapon ([80%](#) of murders) produces less physical evidence and makes cases harder to solve
- Lower levels of community trust makes witnesses less willing to cooperate with police
- [Shifting police priorities](#) to crime prevention from investigation

While these theories likely explain the decline over time, two issues are known to contribute significantly to today's all-time low clearance rates: overworked detectives and underfunded crime laboratories.

Crimes don't get solved when detectives have too many cases

A 2008 [FBI study](#) of 55 homicide units across the U.S. concluded that departments had a 5.4% higher clearance rate when detectives handled fewer than five cases per year. But many jurisdictions, especially in cities with higher homicide rates, can't afford to comply with this five caseload recommendation. 153 murders were reported in 2020 in [Jackson, Mississippi](#), but the city had just eight homicide detectives. In Detroit, detectives handle an average of [eight](#) new homicide cases a year. Meanwhile, Seattle's police chief recently [addressed](#) how the city's loss of 100 detectives since 2019 has impacted its capacity to investigate sexual assaults.

These staffing shortages amid rising homicide rates have a clear impact on clearance rates. A study conducted by the Washington Post of 48 major U.S. city police departments found that “departments with lower caseloads tended to have higher arrest rates, while departments with higher caseloads tended to have lower arrest rates.” This was true for 37 of the 48 cities.

Departments are suffering the same “recruitment crisis” in recruiting detectives as they are police officers. This is characterized by a lack of interest in the field, lack of available qualified applicants, and lack of adequate funding to attract candidates. [Training](#) new detectives also requires time and resources that departments are generally low on.

The [VICTIM Act](#), which recently passed the House but likely won't advance beyond the Senate before the end of the session, would provide a good foundation for improving clearance rates and reducing detective caseloads. It would create a grant program to hire and train detectives, officers, and personnel to investigate homicides and other violent crimes. The grants can also fund investments in new forensic testing technology or equipment.

Departments with low clearance rates should conduct an internal audit to weed out counter-productive practices

At the local level, departments should adopt reforms to identify and eliminate inefficiencies in their current system.

- In 2013, Detroit's new deputy chief raised the city's homicide clearance rate from [37% to 48%](#) over four years by more strategically deploying detectives to high-crime areas, eliminating overnight shifts that reduced productivity, and requiring lead detectives to visit the homicide scene for cases they oversee. Today, Detroit's clearance rates continue to [rise](#) against the national trend of falling rates.
- In 2020, Sacramento County's homicide clearance rate reached [73%](#). So far in 2022, 19 homicide arrests have been made out of 22 murders. [Sheriff Scott Jones](#) largely attributes his county's success to their adequate staffing that enables them to have “three dedicated homicide teams, each with five experienced investigators rotating through 10-day shifts to avoid burnout.” His department also embraces new technology and systems like a crime database, video surveillance registry, license plate readers, ShotSpotter technology, and anonymous tip lines. Close collaboration with the Sacramento District Attorney's Office has also expedited information flows and DNA testing that are crucial in the first few days following a murder.

In 2018, the Bureau of Justice Assistance issued detailed [recommendations](#) for jurisdictions to strengthen their homicide investigations, including recommendations for selecting and training detectives, staffing and caseload management, supervision policies, updating equipment, and reinforcing internal and cross-agency coordination. With guidelines and real-life models for best practices readily available, what most jurisdictions lack now is the funding to successfully implement these evidence-based investigative practices. This is why the VICTIM Act should be reintroduced and passed in the next Congress.

There are not enough supplies to conduct CSI

State and local crime laboratories are plagued by similar inefficiencies. As demand for DNA analysis outpaces the capacity of forensic labs, large backlogs of cases are accumulating. This issue has been making [headlines](#) for years with reports of untested rape kits being discarded or indefinitely backlogged.

To make matters worse, the National Institute of Justice (NIJ) estimates that 90% of the nearly [350,000 rape and homicide cases](#) awaiting DNA testing are currently in possession of law enforcement rather than crime labs. This is due to limited storage facilities and concern among law enforcement that the crime lab will either not accept the sample or fail to analyze it.

The NIJ's 2022 [report](#) to the Attorney General attributes public crime lab delays to a multitude of issues, including:

- Shortage of trained forensic scientists, which is a result of inadequate funding to hire and train an insufficient pool of qualified applicants
- Labor intensive and lengthy training processes for new hires
- Staff retention issues due to non-competitive public sector salaries and repetitive clerical work
- Lack of “basic information management systems, automated equipment, high throughput analyzers, and quality assurance software”
- Lack of funds and insufficient space for necessary equipment

Today, there are over [400](#) publicly funded crime labs in the U.S. A [majority](#) of these labs are located within police departments, state law enforcement agencies, or run by the prosecutor's office. Under this setup, individuals without backgrounds in science often have administrative control over a lab's budget, policies, and procedures. It also means crime labs often depend on law enforcement for funding.

The most recent [census of publicly funded forensic crime labs](#) conducted by the Bureau of Justice Statistics (BJS) was published in 2016 analyzing 2014 data on federal, state, and local crime labs. BJS confirmed to The New Center in an email that a 2020 census report is currently being produced with an estimated release in early 2023. It was also noted that “the project was slated to be fielded in 2020 with a 2019 reference year, but got delayed.” To properly allocate funds, it is crucial to collect this data on crime lab budgets, spending, employment, and number and nature of requests that more accurately reflect modern demands on crime labs.

States are primarily responsible for funding their crime labs

According to the 2014 census data, the 409 publicly funded crime labs in the U.S. had a combined operating budget of \$1.7 billion. Broken down, state jurisdictions had a combined budget of \$796 million, with county and local jurisdictions’ budgets at \$306 and \$277 million respectively. The 39 federal crime labs had a similar budget of \$302 million. Additional funding sources for labs include grants and service fees (only collected by 40% of crime labs).

Since 2004, the federal government has directed annual appropriations to fund forensic science activities. Formula and competitive grant programs administered by the BJA and NIJ specifically assist with reducing backlogs, improving laboratory services, and training personnel, among other initiatives. At the end of 2021, the DOJ awarded [\\$210 million](#) to these grants. But once distributed among states and funneled into departments, state and local government budget contributions to crime labs outweigh federal funds.

A 2017 NIJ needs assessment of forensic laboratories [determined](#) “the growth in the total laboratory budget for the typical laboratory has been under 3% per year for the past decade,” with the exception of drugs/controlled substances and toxicology expenditures which expanded to address the opioid crisis. This diversion of resources has created tradeoffs for overwhelmed and underfunded laboratories. In 2017, state and local forensic labs experienced a budget shortfall of [\\$640 million](#) and a deficit of over 900 full-time employees.

But even with a clearly demonstrated need, crime labs are struggling to secure funding from their state governments:

- Last year, the [Tennessee Bureau of Investigation](#) requested funds to hire 40 additional forensic scientists and 10 lab technicians to address backlogs, but was only awarded funds to cover half of their staffing needs. In September, the murder of a Memphis kindergarten teacher by a repeat offender who should have been charged for rape in 2021 if the rape kit had not been delayed in processing caused Governor Bill Lee to allocate additional funds for 25 new lab personnel. Addressing crime lab needs should not have to wait until an injustice has occurred.
- Under pressure to reduce the 10 month turnaround time on rape kit tests to 60 days to comply with a 2019 law, [Arkansas State Crime Lab](#) director Kermit Channell described his department’s need to hire at least five more DNA analysts. He also detailed the need for a new facility, estimated to cost about \$183 million, pointing out the conditions of the 40-year-old building limit productivity and even create safety and security risks.

TABLE 9
Annual operating budget for publicly funded forensic crime labs, by type of jurisdiction and number of full-time employees, 2014

	Number of labs	Annual operating budget (in millions)
All labs	409	\$1,680
Type of jurisdiction		
Federal	39	\$302
State	193	796
County	98	306
Municipal	79	277
Number of full-time employees*		
100 or more	27	\$568
50–99	51	416
25–49	90	378
10–24	134	262
9 or fewer	107	56

Note: Numbers are rounded to the nearest million. Detail does not sum to total due to rounding. See appendix table 9 for standard errors.

*Includes both full-time and part-time employees, with a weight of 0.5 assigned to part-time employees.

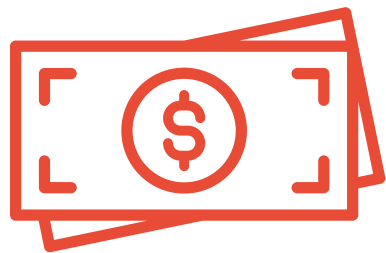
Source: Bureau of Justice Statistics, Census of Publicly Funded Forensic Crime Laboratories, 2014.

Source: [Bureau of Justice Statistics](#)

To improve funding supplies and outcomes:



Relevant state departments can conduct their [own forensic needs assessments](#) to identify specific needs and better position state and local leaders to advocate for more funding and resources. Some states have already implemented this. NIJ points out this practice could also be outsourced to universities. For example, the National Forensic Science Technology Center at Florida International University conducted research for the Wisconsin State Crime Laboratory Bureau. As a result, the Wisconsin attorney general “used the findings and recommendations from this needs assessment to support specific actions and budgetary requests to increase the laboratory’s capacity in response to its increasing workload.”



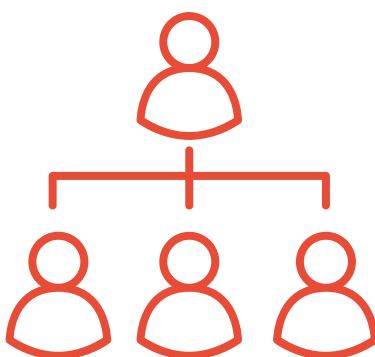
State governments can introduce their own grant programs to target crime lab funding needs. In April, Ohio Governor DeWine introduced the [Ohio Crime Lab Efficiency Program](#), which provides \$10 million across Ohio’s 14 certified crime labs. California’s [Untested Sexual Assault Evidence Grant - Backlog Reduction Program](#) is a \$1.8 million dollar-for-dollar matching grant program for local authorities to process untested rape kits.

To advance forensic science education & expand recruitment:



Local and state governments can partner with universities to develop crime lab units or forensic academies that are both educational and operational with opportunities for applied training. The [Rutgers Crime Lab Unit](#) is a “multi-agency forensic lab” that works with Camden County to provide forensic testing to NJ law enforcement and reduce the backlog. The Crime Lab Unit leverages public-private partnerships and offers students internship opportunities. At the University of Tennessee, the [Law Enforcement Innovation Center National Forensic Academy](#) is an example of a “[university-practitioner partnership](#)” in which students are introduced to standardized practices by field experts.

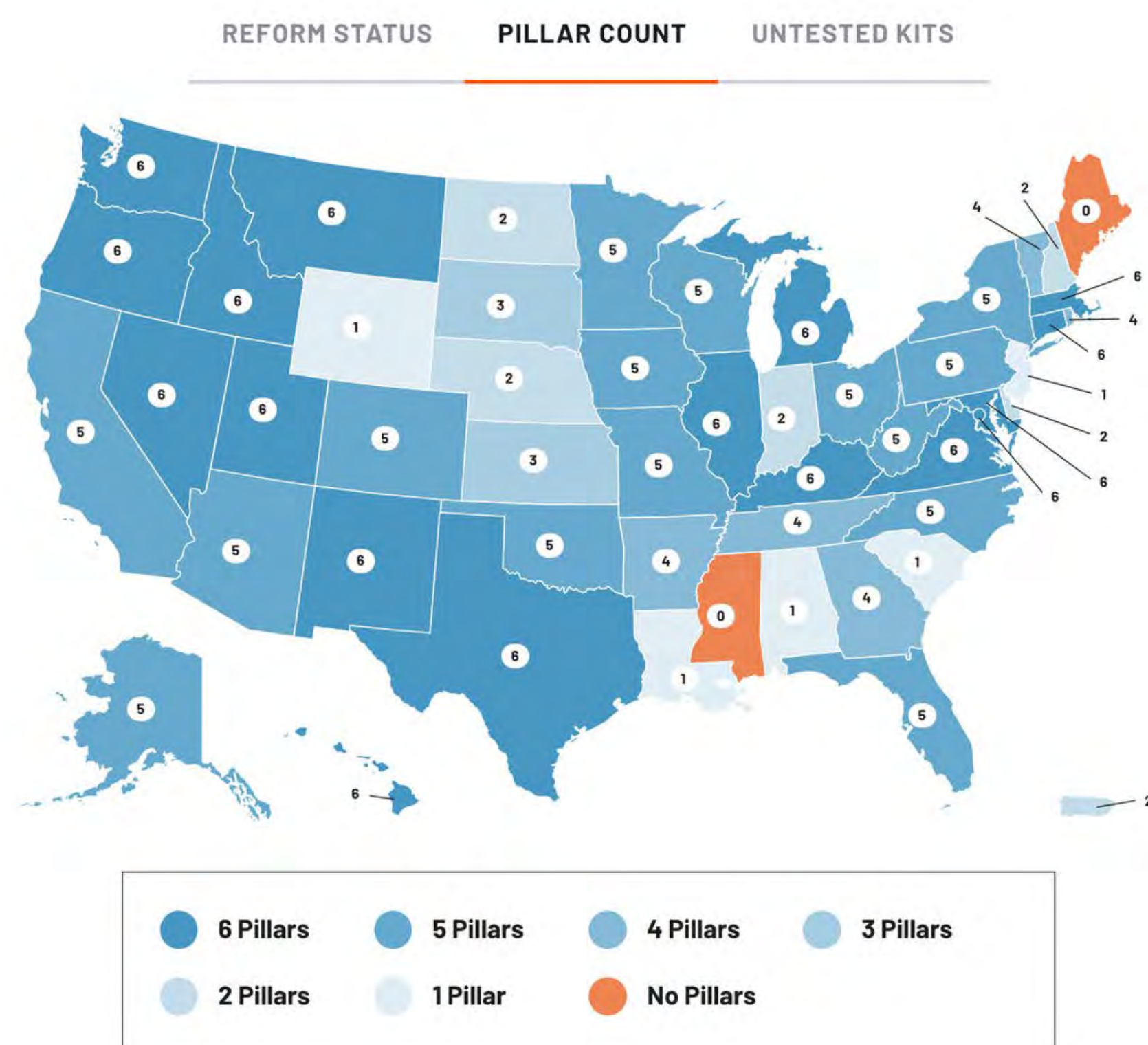
To create administrative autonomy for crime labs:



Public crime labs should be removed from the control of law enforcement agencies or prosecutor’s offices. [Independent crime labs](#) can be established within new state-level departments of forensic science, as seen in Virginia and Alabama. When police and prosecutors oversee crime labs, they can prioritize their own cases and compromise a lab’s objectivity by creating [cognitive bias](#). This restructuring would also ensure those with the most specialized knowledge of forensics have decision-making authority on lab policies.

More can also be done on the legislative side to eliminate backlogs and streamline testing procedures to increase accountability and transparency. End The Backlog, a program under the [Joyful Heart Foundation](#), tracks states' untested rape kits and their reform efforts across [six legislative pillars](#):

- Requiring participation in a [statewide inventory](#) of untested rape kits across medical facilities, law enforcement agencies, crime labs, rape crisis centers, and any other applicable entities. Currently, **20 states** and D.C. conduct recurring inventories.
- Requiring a commitment to [test all backlogged kits](#). **35 states** have committed to testing their backlogged kits, of them **19 states** and D.C. have eliminated their backlogs altogether.
- Eliminate the statute of limitations on [testing rape kits](#), mandating that every submitted kit with the survivor's consent is tested. Place timelines on law enforcement to submit kits to labs and on labs to test kits. **36 states** and D.C. have enacted laws with at least some of these requirements.
- Establish a statewide rape kit [tracking system](#). **29 states** and D.C. have committed to this.
- Guarantee a victim's [right to information](#) about the status and results of their kit. **30 states** and D.C. have some degree of this legal guarantee.
- Allocate [state funding](#) (to supplement federal funds) to implement these reforms. **22 states** and D.C. do so.



Source: [End the Backlog](#)

While these policies and analyses specifically focus on rape kit backlogs, similar measures can be applied to DNA testing for homicides and violent crimes at large. As End The Backlog specifies, in many cases these pillars can be achieved through state legislative or executive action or as eligibility requirements for federal grants. Ideally, states will pursue legislative action as it is more permanent and enforceable.

Democratize Law Enforcement

1. Allow voters to recall Prosecutors and Sheriffs
2. Require Prosecutors and Sheriffs to enforce the law
3. Use impeachment power on rogue Prosecutors and Sheriffs

Part of improving the justice system is to respect the rule of law, which calls for fair application of the laws as they are written. But too many justice system officials have acted unilaterally to pick and choose which laws to enforce.

Some left-wing prosecutors and right-wing sheriffs pick and choose laws to enforce, with limited accountability to the public

The office of the district attorney (DA) is tasked with prosecuting crimes committed in their city or county. But in recent years, dozens of “[progressive prosecutors](#),” representing some of America’s largest cities, have performed their law enforcement duty with a “soft-on-petty criminals” approach. Their specific policies vary, but these DAs generally refuse to prosecute certain crimes (like drug possession or dealing, shoplifting, or trespassing), “reforming” bail to allow more violent people back on the streets, or seeking to minimize sentencing for even serious crimes.

Manhattan DA [Alvin Bragg](#) also instructed his office not to seek jail time for robbery or assault. Baltimore state’s attorney (Maryland’s equivalent of a DA) [Marilyn Mosby](#) has refused to prosecute possession of any drug, sex work, or public urination/defecation. Los Angeles County DA George Gascon has made it his department’s policy to ignore misdemeanors. This has led to cities within the county seeking to establish [their own](#) prosecutor’s office. Around the country, 84 progressive DAs representing around 90 million people signed a [letter](#) pledging not to enforce abortion restrictions.

While they receive less media attention than progressive DAs, there is an equivalent right-wing phenomenon in self-proclaimed “[Constitutional Sheriffs](#).” These are elected sheriffs who believe they are the ultimate legal authority within their county, with powers that “even supersede the powers of the President” of the United States, according to the Constitutional Sheriff Association (CSA)’s [website](#). Constitutional sheriffs may refuse to enforce gun-control laws, anti-Covid measures, federal land restrictions, tax laws, or anything else they personally deem unconstitutional.

It’s unclear exactly how widespread the constitutional sheriff ideology is, but it is certainly not a fringe belief. In 2016, the founder of CSA [claimed](#) to have “several hundred sheriffs” as members in 2016, plus four entire “member counties” across Nevada and Washington. According to the Center for Public Integrity, CSA had conducted trainings for at least [400 sheriffs](#) by 2016, and they trained sheriffs in Texas and Montana as recently as 2021. For context, there are about [3,000](#) total sheriffs in the U.S.

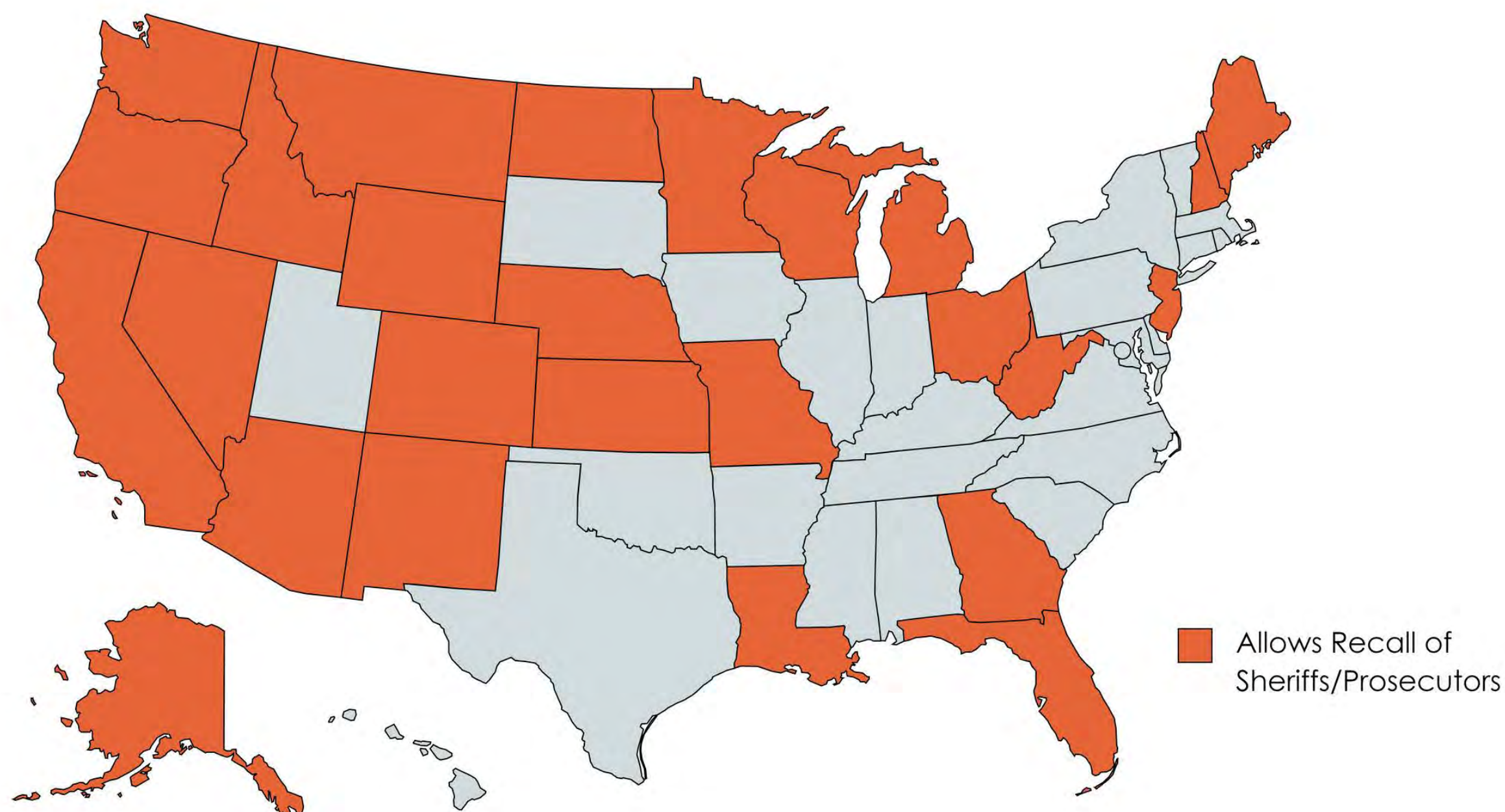
Milwaukee Had Both a Progressive DA and a Constitutional Sheriff

From 2007 to 2017, law enforcement in Milwaukee, Wisconsin was overseen by both a progressive DA and a constitutional sheriff. David Clarke was Milwaukee County sheriff during that period, when he [won](#) the 2013 Sheriff of the Year award from the Constitutional Sheriffs Association. Sheriff Clarke [made clear](#) he would not enforce laws requiring him to confiscate guns from otherwise law-abiding citizens, and he produced a [radio ad](#) urging citizens to arm themselves for defense because “calling 911 and waiting is no longer your best option.” Self-proclaimed progressive John Chisholm has been Milwaukee County DA since 2007. On his [website](#), Chisholm takes credit for inspiring other progressive prosecutors including Chesa Boudin. Chisholm stopped prosecuting [marijuana possession](#) in 2015, and declined to bring charges against 60% of [felony referrals](#) made by police in 2020. [Chisholm](#) is best known for his lax bail policies. In November 2021, Chisholm set only a \$1,000 bail for a repeat-offender accused of domestic violence; that man then attacked the [Waukesha Christmas parade](#) with his vehicle, killing six and injuring 62 others.

Let the people fire complacent law enforcement

Sheriffs and prosecutors are acting like this because no one is holding them accountable. Although virtually all states allow for DAs and sheriffs to be impeached and removed for cause— typically by the legislature or the courts, five states let the governor fire DAs— these rarely happen. And while some states like North Carolina and Massachusetts [forbid](#) prosecutors from not enforcing the law, courts in other states like Texas and Illinois explicitly allow it.

The public is especially powerless when it comes to holding law enforcement accountable. [Two-thirds](#) of DA elections nationwide were uncontested, according to the University of North Carolina’s 2020 Prosecutors and Politics Project. A Stanford University researcher [found](#) that 45% of sheriff elections in large counties (population >100,000) from 2003-2016 were uncontested. Contested races don’t even guarantee real choice, as many elections are decided in low-turnout primaries. Manhattan DA Alvin Bragg won his 2021 primary with only [86,000 votes](#) — roughly seven percent of the borough’s [1.2 million](#) registered voters, before cruising through a general election in the Democratic stronghold. And only [26 states](#) give voters the power to recall DAs or sheriffs who aren’t enforcing the law.



Legislators in more states should join North Carolina and Massachusetts in legally requiring prosecutors and sheriffs to enforce the laws. Further, leaders should not be timid about using the power of impeachment to remove complacent law enforcement officials. Finally, voters in all states should have the power to recall sheriffs and DAs.

Stop Handcuffing Judges

1. Replace mandatory minimums with sentencing guidelines
2. Give judges discretion on bail

While prosecutors and sheriffs appear to have too much law enforcement discretion, judges seem to have too little.

Mandatory minimum sentences are cruel, ineffective, and empower prosecutors over judges.

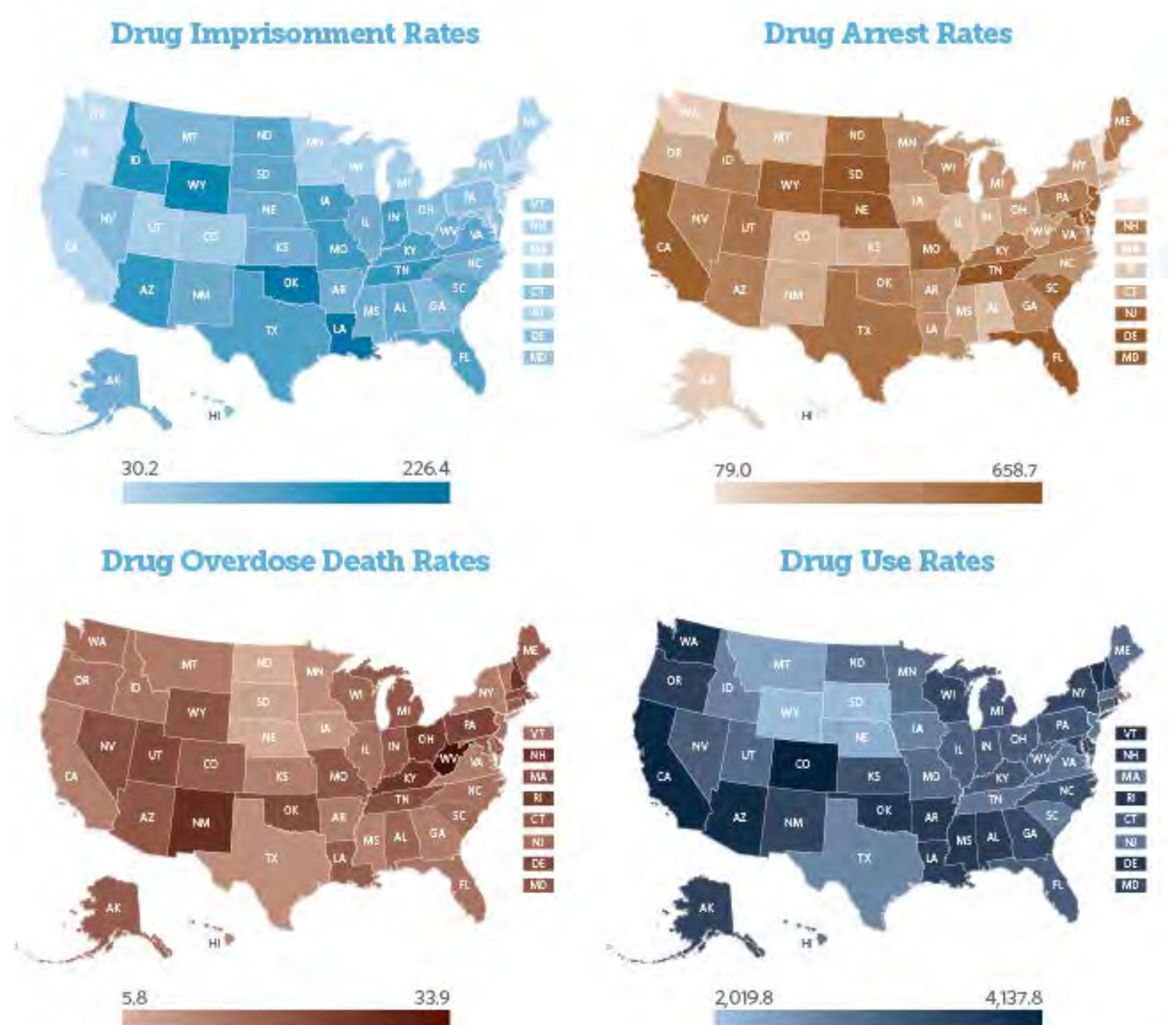
Mandatory minimum sentences are one provision that takes away judges' discretion. These laws establish lengthy prison sentences for certain crimes— most notably for drug offenses— that judges must impose no matter the circumstances. Judges cannot consider factors like a defendant's culpability, personal history, or likelihood to reoffend. U.S. District Judge Paul Magnuson [said](#) that “mandatory minimum sentences- almost by definition- prevent the Court from passing judgment in a manner properly tailored to a defendant's particular circumstances.”

All [50 states](#), D.C., and the federal court system have mandatory minimum sentences. Mandatory minimum laws in their current iteration were implemented in the 1980s, but they have failed to reduce drug use since then. A 2018 Pew [analysis](#) found that drug sentences had no correlation with a state's drug use or overdose rates, and that availability and consumption of illegal drugs (even excluding marijuana) has grown steadily since 1990 when mandatory minimums were in full swing.

Mandatory minimums also failed to reduce arbitrariness and inconsistency in sentencing, as their supporters promised. Rather, mandatory minimums transfer the arbitration from judges— who are elected or appointed specifically to be arbiters— to prosecutors, who can pick and choose which charges to bring against defendants.

Drug Imprisonment Not Correlated With Drug Use, Arrests, or Overdose Deaths

4 measures of drug problems by state



Note: All rates are per 100,000 residents.

Source: [Pew Charitable Trusts](#)

And prosecutors do this unfairly. In federal cases, Black defendants are 65% more likely than similar white defendants to face charges that carry mandatory minimums, according to a 2014 University of Michigan [study](#). The researchers concluded mandatory minimums are responsible for “more than half of the black-white sentence disparities not otherwise explained by precharge characteristics.”

The public wants mandatory minimums repealed and replaced, but lawmakers have dragged their feet.

The American people want to move on from mandatory minimums. A 2016 Pew [survey](#) found that three quarters of Americans, including 78% of Democrats and 73% of Republicans, wanted to repeal mandatory minimum sentences at the federal level. In 2021, majorities of voters in [Oregon](#) and [Virginia](#) supported their respective state legislatures’ efforts to repeal mandatory minimums, although both bills eventually failed.

Leaders in D.C. and around the country have taken steps to reform mandatory minimum sentences. [37 states](#) reformed their laws between 2001 and 2020, most commonly by expanding “[safety valve](#)” provisions that allow judges to exercise discretion and give lesser sentences than the mandatory minimum in certain conditions (typically, non-violent offenses by people without violent records). The bipartisan [First Step Act](#) of 2018 shortened—but did not abolish— minimum sentences for many drug crimes and expanded the federal safety valve. Attorney General Merrick Garland [promised](#) to significantly roll back federal mandatory minimums, but has taken no official action on the matter.

But there is still work to do. In 2021, nearly a [third of cases](#) under federal prosecution carried mandatory minimums; three quarters of those were for drug offenses. It’s time for leaders to stop taking half-measures and let judges decide the appropriate sentence for each case. This doesn’t mean complete judicial anarchy; rather, we should treat mandatory minimum charges the same way we treat all cases: through the non-binding “[sentencing guidelines](#).” These are ranges of sentences recommended by the United States Sentencing Commission that federal judges must consult before rendering their verdict. Judges may choose to impose sentences longer or shorter than the guidelines call for, but they must explain their reasoning and it can be challenged in a federal appeals court. All criminal cases—federal or state— should be treated this way.

Cash bail contributes to over-incarceration...but recent reforms go too far

In most jurisdictions, arrestees are held in jail before their trial unless and until they can pay bail— a sum of money ([\\$10,000](#) on average for felonies) they pay the court, which the court will return when the trial concludes. Bail is intended as collateral, to ensure defendants actually show up for their day in court; but far too often, it serves as a filter that keeps poor people locked up while rich people walk free. A better justice system is one that lets judges treat defendants based on the facts of their case, not the depth of their bank account.

On any given day, around [530,000](#) people are in jail awaiting trial. In 2022, the United States Commission on Civil Rights [estimated](#) that 60% of pre-trial inmates—or approximately 300,000 people— are still in jail solely because they cannot afford bail. These are people who have not been convicted of a crime and who are not believed to pose a threat to society, yet they remain in jail for months before trial. The Prison Policy Institute [calculated](#) that pre-trial detention cost taxpayers \$13.6 billion in 2014.

Some cities and states have tried to reform their bail practices, to varying degrees of success. But it's important to not replace a judge's discretion with a one-size-fits-all approach. Take [New York](#), which removed cash-bail requirements from all misdemeanors and non-violent felonies in 2019. In those cases, judges may decide whether to keep a defendant in jail or let them walk without payment; however, judges are limited in which factors they are allowed to consider to make that decision. Specifically, judges are not allowed to consider whether the defendant is likely to commit another crime; they can only determine based on the defendant's likelihood of fleeing once released.

New York's bail reform has had grave consequences. In October 2022, a Buffalo woman was [murdered](#) allegedly by her husband—in front of their children— shortly after the husband was released on cashless bail for five crimes including domestic assault. The husband had previously served 15 years in prison for kidnapping. In August 2022, a man [shot](#) at two others in the heart of Manhattan. The shooter had 15 prior arrests on his record, including another shooting, an armed robbery, and three still-pending gun charges— for which he was out on bail. Judges in both cases were not allowed to consider the risks that these men posed to society.

Bail reform can work if we let judges be judges

But some reforms have worked. In 2017, New Jersey introduced the gold standard of sensible, [bipartisan bail reform](#). Under the new law, defendants in virtually all cases are presumed to not be detained pre-trial unless the judge finds “clear and convincing evidence” that the defendant will re-offend or fail to appear in court. No money is involved in the process; dangerous people stay in jail while the others await trial. Judges' decisions are informed by the state's Public Safety Assessment, an algorithm that considers various factors such as the defendant's current charge, prior convictions, and age to determine their likelihood to reoffend or skip trial. In the three years after reforming bail, court appearance rates [dropped](#) only three percentage points (to 89.5%) while crime rates remained the same, and the jail population fell by 44%. New Jersey's reforms upheld judicial discretion, protected civil liberties, and did not cause more crime; other states, and the federal justice system, should replicate it.



CONCLUSION

Crime may have become a partisan issue before the 2022 midterms, but there is unquestionably bipartisan agreement across America that it's a serious and growing problem.

The causes of rising crime are nuanced and so too must be the solutions to deal with it. In this report, we offered several evidence-based approaches to create a safer America with a more equal and responsive justice system. Many of these reforms are broadly popular among Americans and have been included in bipartisan proposals and legislation in statehouses and in Washington.

With the start of a new Congress, leaders have a chance, and a responsibility, to come together to make American communities safer and more secure.

