Inside the Beltway
From Second Chance to First Step – to Next Step?

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AGENDA

- Congress’ recent role in CJ policy
- First Step Act and implementation
- Prospects for “second steps”
- What else Congress working on
- Prospects for federal funding
FROM SECOND CHANCE TO FIRST STEP
THE LONG ROAD TO REFORM

• Seed planted with Second Chance Act in 2008
• Followed by crack/powder bill, 21st Century Policing (2015) and Colson (2016) Task Forces but none truly bipartisan
• And legislative efforts seemed to stall, LE support grew weaker, and issue more partisan
ROAD TO REFORM, con’t

• But Ferguson, etc. kept on national agenda
• And Judiciary Committees studiously stayed bipartisan, passing smaller bills
• In 2015, left/right coalition developed
• Put their own interests behind common goal
• Ramping up congressional/public education
FROM TOUGH ON CRACK TO SECOND CHANCE
POLICYMAKERS RECOGNIZED A PROBLEM...
...Too many people with criminal records
...AND THE DRIVER WAS DRUGS
...AND TIME SERVED
...AND DISPARITIES IN DRUG ARRESTS
THE FIRST STEP ACT

- Sessions became AG; most thought reform dead
- Battle between front and back end reform
- Trump announced support for full bill 11/18; First STEP passed-signed 12/18
- Bill marries front end sentencing and back end BOP reform to shorten lengths of stay and equip with skills
ISSUES IN IMPLEMENTATION

• DOJ meeting law’s deadlines
• 3,500+ began to be released in July after recalculated good time credits
• New assessment tool doesn’t include needs
• RRC utilization rising again
• BOP programming and earned time releases scheduled to start in January
FROM FIRST STEP TO SECOND STEP
FROM FIRST STEP TO SECOND STEP?

• “Second steps” not at all clear
• Some momentum around federal ban the box
• Lifting the prohibition on Pell grants in prison
• Interest in “incentivizing” state action
  • Records expungement
  • Prosecutor and police practices
  • Cash bail; fees and fines
• And expanding access to treatment
WHAT ELSE IS ON CONGRESS’ AGENDA?

• Several reauthorization bills moving:
  • Residential Substance Abuse Treatment
  • Violence Against Women Act
  • Debbie Smith grants

• Eager to do more on addiction and for victims

• Background checks???

• Message bills during presidential campaign and 25th anniversary of 1994 crime bill
WHAT KEEPS ME UP AT NIGHT — MONEY!
THE FEDERAL GRANT PROGRAMS

• DOJ administers over 85 grant programs for states/locals, totaling over $6 billion
• Totals thousands of awards to direct grantees (number rises when consider SAA subgrantees)
• State formula grants include Byrne JAG, VOCA, VAWA, RSAT. Also NCHIP, Coverdell
• Key discretionary grants: COAP, Second Chance, COPS, drug courts, MIOTCRA
WHERE WE’VE BEEN

• 2010 midterm elections brought renewed focus on deficit spending
• Budget Control Act of 2011 (sequester) mandated automatic cuts through FY21
• Which Congress suspended all but two years
• But in those two years, grant programs cut 30-40 percent, while BOP costs increased
• VOCA (not taxpayer funded) quadrupled
Most grants down; VOCA and opioids up
Byrne JAG down 35 percent
VOCA up four fold – but future uncertain
SAMHSA OPIOID GRANTS INCREASED
WHERE ARE WE WITH FY20 FUNDING?

• July’s budget deal set overall funding paving way to finalizing FY20 bills on time(ish)
• CJS House bill done; Senate bill today?
• Will be looking for:
  • How decennial Census funded
  • Funding for First Step Act
  • VOCA cap
  • Stability of Byrne JAG support
Prospects for longer-term funding

Answer depends in part on:

- Outcome of 2017 tax cut bill
- Change in emphasis on deficit reduction
- Prospects for entitlement reform
- Future growth of BOP/Cost of FSA
- Emphasis of reform movement in new Administration and next Congress
FY 2015 Mandatory and Discretionary Spending and Interest on Federal Debt (in 2015 Dollars)

- Mandatory Spending: $2.45 trillion - 65%
- Discretionary Spending: $1.11 trillion - 29%
- Interest on Debt: $229.2 billion - 6%
Discretionary Spending 2015: $1.11 Trillion

- Military: $598.5 billion - 54%
- Government: $72.9 billion - 6%
- Education: $70 billion - 6%
- Medicare & Health: $66 billion - 6%
- Veterans' Benefits: $65.3 billion - 6%
- Housing & Community: $63.2 billion - 6%
- International Affairs: $40.9 billion - 4%
- Energy & Environment: $39.1 billion - 3%
- Science: $29.7 billion - 3%
- Social Security, Unemployment & Labor: $29.1 billion - 3%
- Transportation: $26.3 billion - 2%
- Food & Agriculture: $13.1 billion - 1%
Total DOJ Funding

- Federal Prison System: 24%
- ATF: 5%
- Drug Enforcement Administration: 7%
- FBI: 33%
- OVC: 8%
- BJA, OJJDP, COPS: 8%
- OIG: 0%
- United States Parole Commission: 0%
- Admin: 3%
- Antitrust Division: 1%
- US Attorneys: 7%
- US Marshals Service: 4%
- National Security Division: 0%
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