Bad Cop
WHY OBAMA IS GETTING CRIMINAL JUSTICE POLICY WRONG.
By Radley Balko
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When Sen. Barack Obama expressed concern early in the primary season that there are more young black men in prison than in college, he raised hope that he might be the first major-party candidate in a generation to adopt a more nuanced criminal policy than the typical "longer sentences, more prisons, more cops." As it turns out, Obama was wrong on the numbers. But the sentiment was right—one in nine black men between the ages of 20 and 34 is currently behind bars.

Obama has also heartened advocates for criminal justice reform by expressing reservations about mandatory minimum sentences, at least for nonviolent offenders. He said he would end federal raids on medical marijuana dispensaries in states where they're legal. And he has expressed some welcome dismay about America's incarceration rate, which is the highest in the world.

But in the last month, Obama's line on criminal justice has been a lot less encouraging. His running mate selection of Joe Biden, long one of the Senate's most strident crime hawks and staunchest drug warriors, was telling. Since the vice-presidential pick, Obama and Biden have embraced criminal justice policies geared toward a larger federal presence in law enforcement, a trend that started in the Nixon administration and that has skewed local police priorities toward the slogan-based crime policies of Congress, like "more arrests" and "stop coddling criminals."
In particular, Biden and Obama have promised to beef up two federal grant programs critics say have exacerbated many of the very problems Obama expressed concern about earlier in the primaries. Obama and Biden’s position shows an unwillingness to think critically about criminal justice. They are opting instead for the reflexive belief that more federal involvement is always preferable to less.

The first program Obama wants to revive is President Clinton’s Community Oriented Policing Services, which provides federal grants to local police departments. Biden sponsored Clinton’s 1994 crime bill initiating COPS and has boasted since then that the bill was responsible for the dramatic 15-year drop in violent crime that began in the early 1990s. The Bush administration began phasing out the program in 2002.

To be sure, most criminologists think community policing is a good idea. It gets cops out walking the beat in the neighborhoods they patrol, talking with the people who live there, and generally acting like part of the communities they serve rather than mere enforcers. The idea is to avoid the more aggressive, reactionary methods of policing that have given rise to the us-vs.-them mentality that divides the police and the policed in many cities. (For fans of The Wire, think more Carver, less Herc.)

But there’s little evidence COPS has worked, and there’s some evidence it has actually encouraged police tactics completely at odds with the objectives of community policing. A 2005 report by the Government Accountability Office concluded that the program may have contributed to a minor reduction in crime—a little more than 1 percent—but at a cost of $8 billion. A peer-reviewed study in the journal Criminology concluded that COPS “had little to no effect on crime.”

The main problem with federal block grants is that once they’re issued, Congress can’t monitor them to be sure they’re spent properly. And that’s certainly true of COPS. A 2000 report by the Madison Times, for example, found that COPS grants, along with a federal program through which local police departments obtain surplus military equipment from the Pentagon, led to a mass expansion of SWAT teams throughout Wisconsin in the 1990s. SWAT teams popped up in absurdly small communities like Forest County (population 9,950), Mukwonago (7,519), and Rice Lake (8,320).

And not just in Wisconsin. In a survey conducted by criminologist Peter Kraska, two-thirds of responding police chiefs said SWAT teams and paramilitary tactics “play an important role in community policing strategies.”

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Photograph of the Tulia rally by Joe Raedle/Newsmakers.

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