

Safety, Health, and Renewal: Two recommendations to help the American Rescue Plan's Recovery Funds promote trauma recovery and public health

Public Comment to U.S. Department of Treasury re: Coronavirus State and Local Fiscal Recovery Funds Interim Final Rule

As a multi-state organization that aims to replace over-incarceration with more effective public safety solutions rooted in crime prevention, community health, rehabilitation, and support for crime victims, the Alliance for Safety and Justice (ASJ) commends the U.S. Department of Treasury (Treasury) for its work on the Interim Final Rule for the American Rescue Plan Act's (ARPA) State and Local Fiscal Recovery Funds (Recovery Funds). As we have argued in multiple national [reports](#) and forums, the Recovery Funds represent an opportunity not simply to respond to the public health and economic crises associated with COVID-19. On a more fundamental level, the Recovery Funds also provide the resources and the public health framework the country needs to create a more just, balanced, and effective response to violence and trauma.

In the Final Rule, we recommend that Treasury make these two key clarifications to its initial guidance.

1. To promote safety, the Final Rule should make support for crime victims a presumptively eligible expense to address violence by including this language: “Recipients should presume that support for crime victims, including trauma recovery, housing, employment, and cash assistance, are presumptively eligible expenses to address violence. Recipients are encouraged to fund organizations from which crime victims are most likely to seek help to provide this support, including hospitals, civil legal services, and non-profit community-based organizations.”
2. To promote a public health-based recovery, the Final Rule should discourage uses of Recovery Funds that undermine the social determinants of health by including this language: “Recipients are discouraged from using Recovery Funds to support expenses that undermine the social determinants of health. An authoritative body of research, including a 2014 report from the National Research Council, has found that incarceration compounds concentrated

disadvantage, including poverty, substance abuse, and racial segregation. This same concentrated disadvantage has made low-income communities and people of color especially vulnerable to the pandemic's public health crisis and negative economic impacts."

By adopting these recommendations, the Treasury will help ensure that the Final Rule realizes the visionary promise of ARPA and improves the safety, health, and economic security of all Americans.

Recommendation 1: Presumptive eligibility for crime victim support.

The Interim Rule strongly implies Recovery Funds can be used to support the assistance crime victims need to recover from the violence and trauma associated with the pandemic. But the Interim Rule neither explicitly states this, nor does it provide examples of eligible expenses to fulfill this purpose.

This omission is a problem for two primary reasons. First, as some violent crimes have spiked during the pandemic, there are more people suffering from the effects of trauma. Left unaddressed, trauma can cause a lifetime of debilitating outcomes for people's physical health, mental health, and economic stability. Unresolved trauma can also lead people to engage in destructive behavior, like substance abuse. It is not surprising that past victimization is also strongly associated with future victimization, or that while most victims do not become involved in the criminal justice system, most justice-involved people have histories of victimization.

The second problem that comes from only implying, but not clearly stating, that Recovery Funds can be used to support crime victims is that this will likely lead state and local government leaders to neglect prioritizing victim services. Research shows that crime victims are resilient, but existing services fail to provide most victims the assistance they need. The Bureau of Justice Statistics has [documented](#), for instance, that young Black men who live in urban areas are at higher risk of violence than any other population in the United States, but the least likely group to have access to services. One of the primary barriers that prevent crime victims from getting help is that criminal justice agencies are often responsible for delivering or connecting victims to services. Most violent crime, however, is never

[reported](#) to law enforcement. That means a substantial number of victims never get the help they need.

Making support for victims presumptively eligible for Recovery Funds will solve these two problems. It will encourage state and local governments leaders to use Recovery Funds to support crime victims. And it will help provide essential resources to organizations from which crime victims are most likely to seek help.

Recommendation 2: Discourage uses of Recovery Funds that undermine public health.

This recommendation is consistent with ARPA and the Interim Rule. Throughout the Interim Rule, the Treasury emphasizes that [“the public health and economic impacts of the pandemic have fallen most severely on communities and populations disadvantaged before it began.”](#) While ARPA gives state and local governments [“flexibility to determine how best to use payments from the Fiscal Recovery Funds to meet the needs of their communities and populations,”](#) its mandates are supported by a public health framework that prioritizes investments that will help people and communities be safe and healthy. The Interim Rule explains that ARPA’s framework [“encourages recipients to consider funding uses that foster a strong, inclusive, and equitable recovery, especially uses with long-term benefits for health and economic outcomes.”](#)

The Interim Rule provides clear guidance and multiple examples of how Recovery Funds can support a public health based response to the pandemic, but it does not discuss the ways in which federal, state, and local governments have supported policies that run counter to this core purpose. The clearest example of current government policies that weaken the social determinants of health is “the historically unprecedented and internationally unique” increase in incarceration rates since the 1970s. These words are from the National Research Council’s 2014 report, [The Growth of Incarceration in the United States: Exploring Causes and Consequences](#). The National Research Council is the “principal operating arm of the National Academy of Sciences”, the country’s leading organizations of scholars and researchers that was established by Congress to provide [“independent, objective analysis and advice to the nation and conduct other activities to solve complex](#)

[problems and inform public policy decisions.](#)” To substantiate why incarceration is counter to public health, the Final Rule should reference the findings from the National Research Council’s 2014 report for two principle reasons. First, in the past 40 years, state and local policymakers have often responded to spikes in crime like communities are currently experiencing through increasing the use of incarceration. As the National Research Council found, an increased use of incarceration, and the negative consequences that attend it, has “fallen most heavily on blacks and Hispanics, especially the poorest.” And second, while some governments have already indicated interest in using Recovery Funds to build incarceration facilities, the National Research Council findings are clear that increased use of jails and prisons will not only fail to significantly reduce crime, but it will also likely exacerbate the concentrated disadvantage that Recovery Funds are intended to relieve. While state and local governments have discretion to use Recovery Funds consistent with ARPA and the Interim Rule, this additional information will help recipients consider the potential counterproductive consequences of continued investments in the overuse of the criminal justice system.

On behalf of the almost 120,000 crime victims, people with past convictions, and their families and communities who we represent, the Alliance for Safety and Justice thanks the Treasury and the Biden-Harris administration for their commitment to support safe and effective community responses to violence. We urge the Treasury to make these recommendations, which will help the American Rescue Plan provide the essential safety, health, and renewal all Americans need.