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COPS IMPROVEMENTS ACT OF 2007, THE JOHN R. JUSTICE PROSECUTORS AND DEFENDERS INCENTIVE ACT OF 2007, AND THE WITNESS SECURITY AND PROTECTION ACT OF 2007

HEARING

BEFORE THE

SUBCOMMITTEE ON CRIME, TERRORISM, AND HOMELAND SECURITY

OF THE

COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES

ONE HUNDRED TENTH CONGRESS

FIRST SESSION

ON

H.R. 1700, H.R. 916, and H.R. 933

APRIL 24, 2007

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MATERIAL SUBMITTED FOR THE HEARING RECORD BUT NOT REPRINTED

GAO Report, GAO–06–104, entitled Report to the Chairman, Committee on the Judiciary, House of Representatives, October 2005, Community Policing Grants, COPS Grants Were a Modest Contributor to Declines in Crime in the 1990s. This report is available at the Subcommittee and can also be accessed at:

http://www.gao.gov/news.items/d06104.pdf

COPS IMPROVEMENTS ACT OF 2007, THE JOHN R. JUSTICE PROSECUTORS AND DEFENDERS INCENTIVE ACT OF 2007, AND THE WITNESS SECURITY AND PROTECTION ACT OF 2007

TUESDAY, APRIL 24, 2007

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CRIME, TERRORISM,
AND HOMELAND SECURITY
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The Subcommittee met, pursuant to notice, at 2:03 p.m., in Room 2141, Rayburn House Office Building, the Honorable Robert C. (Bobby) Scott (Chairman of the Subcommittee) presiding.

Present: Representatives Scott, Waters, Weiner, Jackson Lee, Baldwin, Forbes, Sensenbrenner, and Coble.

Staff present: Bobby Vassar, Majority Chief Counsel; Gregory Barnes, Majority Counsel; Carolyn Lynch, Minority Counsel; and Veronica Eligan, Professional Staff Member.

Mr. SCOTT. The Subcommittee will now come to order.

And I am pleased to welcome you to today's hearing before the Subcommittee on Crime, Terrorism, and Homeland Security on H.R. 1700, the "COPS Improvements Act of 2007;" H.R. 916, the "John R. Justice Prosecutors and Defenders Incentive Act of 2007;" and H.R. 933, the "Witness Security and Protection Act of 2007."

[The bills, H.R. 1700, H.R. 916, and H.R. 933 follow:]

110TH CONGRESS
1ST SESSION

H. R. 1700

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 26, 2007

Mr. WEINER (for himself, Mr. SCOTT of Virginia, and Mr. KELLER of Florida) introduced the following bill; which was referred to the Committee on the Judiciary

---

A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "COPS Improvements Act of 2007".

SEC. 2. COPS GRANT IMPROVEMENTS.

(a) IN GENERAL.—Section 1701 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended—

(1) by amending subsection (a) to read as follows:

"(a) GRANT AUTHORIZATION.—The Attorney General shall carry out grant programs under which the Attorney General makes grants to States, units of local government, Indian tribal governments, other public and private entities, multi-jurisdictional or regional consortia, and individuals for the purposes described in subsections (b), (c), (d), and (e).";

(2) in subsection (b)—

(A) by striking the subsection heading text and inserting "COMMUNITY POLICING AND CRIME PREVENTION GRANTS";

(B) in paragraph (3), by striking ", to increase the number of officers deployed in community-oriented policing";

(C) in paragraph (4), by striking "to pay for offices" and inserting "to pay for or train officers";

(D) by inserting after paragraph (4) the following:

"(5) award grants to hire school resource officers and to establish school-based partnerships between local law enforcement agencies and local school systems to combat crime, gangs, drug activi-

ties, and other problems in and around elementary and secondary schools;";

(E) by striking paragraph (9);

(F) by redesignating paragraphs (10) through (12) as paragraphs (9) through (11), respectively;

(G) by striking paragraph (13);

(H) by redesignating paragraphs (14) through (17) as paragraphs (12) through (15), respectively;

(I) in paragraph (14), as so redesignated, by striking "and" at the end;

(J) in paragraph (15), as so redesignated, by striking the period at the end and inserting a semicolon; and

(K) by adding at the end the following:

"(16) award grants to pay for officers hired to perform intelligence, anti-terror, or homeland security duties;

"(17) establish and implement innovative programs to reduce and prevent illegal drug manufacturing, distribution, and use, including the manufacturing, distribution, and use of methamphetamine; and

"(18) award enhancing community policing and crime prevention grants that meet emerging law enforcement needs, as warranted.";

(3) by striking subsection (c);

(4) by striking subsections (h) and (i);

(5) by redesignating subsections (d) through (g) as subsections (f) through (i), respectively;

(6) by inserting after subsection (b) the following:

"(c) TROOPS-TO-COPS PROGRAMS.—

"(1) IN GENERAL.—Grants made under subsection (a) may be used to hire former members of the Armed Forces to serve as career law enforcement officers for deployment in community-oriented policing, particularly in communities that are adversely affected by a recent military base closing.

"(2) DEFINITION.—In this subsection, 'former member of the Armed Forces' means a member of the Armed Forces of the United States who is involuntarily separated from the Armed Forces within the meaning of section 1141 of title 10, United States Code.

"(d) COMMUNITY PROSECUTORS PROGRAM.—The Attorney General may make grants under subsection (a)

1 to pay for additional community prosecuting programs, in-
2 cluding programs that assign prosecutors to—
3 "(1) handle cases from specific geographic
4 areas; and
5 "(2) address counter-terrorism problems, spe-
6 cific violent crime problems (including intensive ille-
7 gal gang, gun, and drug enforcement and quality of
8 life initiatives), and localized violent and other crime
9 problems based on needs identified by local law en-
10 forcement agencies, community organizations, and
11 others.
12 "(e) TECHNOLOGY GRANTS.—The Attorney General
13 may make grants under subsection (a) to develop and use
14 new technologies (including interoperable communications
15 technologies, modernized criminal record technology, and
16 forensic technology) to assist State and local law enforce-
17 ment agencies in reorienting the emphasis of their activi-
18 ties from reacting to crime to preventing crime and to
19 train law enforcement officers to use such technologies.";
20 (7) in subsection (f), as so redesignated—
21 (A) in paragraph (1), by striking "to
22 States, units of local government, Indian tribal
23 governments, and to other public and private
24 entities,";

(B) in paragraph (2), by striking "define for State and local governments, and other public and private entities," and inserting "establish";

(C) in the first sentence of paragraph (3), by inserting "(including regional community policing institutes)" after "training centers or facilities"; and

(D) by adding at the end the following:

"(4) EXCLUSIVITY.—The Office of Community Oriented Policing Services shall be the exclusive component of the Department of Justice to perform the functions and activities specified in this paragraph.";

(8) in subsection (g), as so redesignated, by striking "may utilize any component", and all that follows and inserting "shall use the Office of Community Oriented Policing Services of the Department of Justice in carrying out this part.";

(9) in subsection (h), as so redesignated—

(A) by striking "subsection (a)" the first place that term appears and inserting "paragraphs (1) and (2) of subsection (b)"; and

(B) by striking "in each fiscal year pursuant to subsection (a)" and inserting "in each

fiscal year for purposes described in paragraph (1) and (2) of subsection (b)";

(10) in subsection (i), as so redesignated, by striking the second sentence and inserting "The preceding sentence shall not apply with respect to any program, project, or activity provided by a grant made pursuant to subsection (a) for the purposes described in subsection (b)(16)."; and

(11) by adding at the end the following:

"(j) RETENTION OF ADDITIONAL OFFICER POSITIONS.—For any grant under paragraph (1) or (2) of subsection (b) for hiring or rehiring career law enforcement officers, a grant recipient shall retain each additional law enforcement officer position created under that grant for not less than 12 months after the end of the period of that grant, unless the Attorney General waives, wholly or in part, the retention requirement of a program, project, or activity.".

(b) APPLICATIONS.—Section 1702 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–1) is amended—

(1) in subsection (c)—

(A) in the matter preceding paragraph (1), by inserting ", unless waived by the Attorney General" after "under this part shall";

(B) by striking paragraph (8); and

(C) by redesignating paragraphs (9) through (11) as paragraphs (8) through (10), respectively; and

(2) by striking subsection (d).

(c) RENEWAL OF GRANTS.—Section 1703 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–2) is amended to read as follows:

"SEC. 1703. RENEWAL OF GRANTS.

"(a) IN GENERAL.—A grant made under this part may be renewed, without limitations on the duration of such renewal, to provide additional funds, if the Attorney General determines that the funds made available to the recipient were used in a manner required under an approved application and if the recipient can demonstrate significant progress in achieving the objectives of the initial application.

"(b) NO COST EXTENSIONS.—Notwithstanding subsection (a), the Attorney General may extend a grant period, without limitations as to the duration of such extension, to provide additional time to complete the objectives of the initial grant award.".

(d) LIMITATION ON USE OF FUNDS.—Section 1704 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–3) is amended—

(1) in subsection (a)—

(A) by striking "that would, in the absence of Federal funds received under this part, be made available from State or local sources" and inserting "that the Attorney General determines would, in the absence of Federal funds received under this part, be made available for the purpose of the grant under this part from State or local sources"; and

(B) by adding at the end the following new sentence: "The preceding sentence shall not apply with respect to funds made available under this part by a grant made pursuant to subsection (a) for the purposes described in subsection (b)(16)."; and

(2) by striking subsection (c).

(e) ENFORCEMENT ACTIONS.—Section 1706 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–5) is amended—

(1) in the section heading, by striking "**REVOCATION OR SUSPENSION OF FUNDING**" and inserting "**ENFORCEMENT ACTIONS**"; and

(2) by striking "revoke or suspend" and all that follows and inserting "take any enforcement action available to the Department of Justice.".

(f) DEFINITIONS.—Section 1709(1) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–8(1)) is amended—

(1) by inserting "who is a sworn law enforcement officer" after "permanent basis"; and

(2) by inserting ", including officers for the Amtrak Police Department" before the period at the end.

(g) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(11) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(11)) is amended—

(1) in subparagraph (A), by striking "1,047,119,000 for each of fiscal years 2006 through 2009" and inserting "1,150,000,000 for each of fiscal years 2008 through 2013"; and

(2) in subparagraph (B)—

(A) in the first sentence, by striking "3 percent may be used for technical assistance under section 1701(d)" and inserting "5 percent may be used for technical assistance under section 1701(f)"; and

(B) by striking the second sentence and inserting the following: "Of the funds available for grants under part Q, not less than

$600,000,000 shall be used for grants for the purposes specified in section 1701(b), not more than $200,000,000 shall be used for grants under section 1701(d), and not more than $350,000,000 shall be used for grants under section 1701(e).".

(h) PURPOSES.—Section 10002 of the Public Safety Partnership and Community Policing Act of 1994 (42 U.S.C. 3796dd note) is amended—

(1) in paragraph (4), by striking "development" and inserting "use"; and

(2) in the matter following paragraph (4), by striking "for a period of 6 years".

(i) COPS PROGRAM IMPROVEMENTS.—

(1) IN GENERAL.—Section 109(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712h(b)) is amended—

(A) by striking paragraph (1);

(B) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively; and

(C) in paragraph (2), as so redesignated, by inserting ", except for the program under part Q of this title" before the period.

(2) LAW ENFORCEMENT COMPUTER SYSTEMS.—Section 107 of the Omnibus Crime Control

1 and Safe Streets Act of 1968 (42 U.S.C. 3712f) is
2 amended by adding at the end the following:
3 "(c) EXCEPTION.—This section shall not apply to any
4 grant made under part Q of this title.".

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I

110TH CONGRESS
1ST SESSION

H. R. 916

To provide for loan repayment for prosecutors and public defenders.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 2007

Mr. SCOTT of Georgia (for himself, Mr. GORDON of Tennessee, Mr. LEWIS of Georgia, Mr. PAYNE, Mr. DEAL of Georgia, Mr. FATTAH, Mr. BISHOP of Georgia, Ms. WOOLSEY, Mr. SCHIFF, Mr. MCCOTTER, Ms. LEE, Ms. DELAURO, Mrs. LOWEY, Mr. MARKEY, Mr. DELAHUNT, Mr. BERMAN, Ms. SOLIS, Mr. ARCURI, Mr. MOORE of Kansas, Mr. SCOTT of Virginia, Mr. DAVIS of Illinois, Mr. BUTTERFIELD, Mr. LYNCH, Ms. WASSERMAN SCHULTZ, Mr. NADLER, Ms. SCHAKOWSKY, Mr. ELLISON, and Mr. CONYERS) introduced the following bill; which was referred to the Committee on the Judiciary

---

A BILL

To provide for loan repayment for prosecutors and public defenders.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "John R. Justice Prosecutors and Defenders Incentive Act of 2007".

SEC. 2. LOAN REPAYMENT FOR PROSECUTORS AND DEFENDERS.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following:

"PART JJ—LOAN REPAYMENT FOR PROSECUTORS AND PUBLIC DEFENDERS

"SEC. 3111. GRANT AUTHORIZATION.

"(a) PURPOSE.—The purpose of this section is to encourage qualified individuals to enter and continue employment as prosecutors and public defenders.

"(b) DEFINITIONS.—In this section:

"(1) PROSECUTOR.—The term 'prosecutor' means a full-time employee of a State or local agency who—

"(A) is continually licensed to practice law; and

"(B) prosecutes criminal cases at the State or local level.

"(2) PUBLIC DEFENDER.—The term 'public defender' means an attorney who—

"(A) is continually licensed to practice law; and

"(B) is—

"(i) a full-time employee of a State or local agency or a nonprofit organization

operating under a contract with a State or unit of local government, that provides legal representation to indigent persons in criminal cases; or

"(ii) employed as a full-time Federal defender attorney in a defender organization established pursuant to subsection (g) of section 3006A of title 18, United States Code, that provides legal representation to indigent persons in criminal cases.

"(3) STUDENT LOAN.—The term 'student loan' means—

"(A) a loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.);

"(B) a loan made under part D or E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq. and 1087aa et seq.); and

"(C) a loan made under section 428C or 455(g) of the Higher Education Act of 1965 (20 U.S.C. 1078–3 and 1087e(g)) to the extent that such loan was used to repay a Federal Direct Stafford Loan, a Federal Direct Unsub-

1 sidized Stafford Loan, or a loan made under
2 section 428 or 428H of such Act.
3 "(c) PROGRAM AUTHORIZED.—The Attorney General
4 shall establish a program by which the Department of Jus-
5 tice shall assume the obligation to repay a student loan,
6 by direct payments on behalf of a borrower to the holder
7 of such loan, in accordance with subsection (d), for any
8 borrower who—
9 "(1) is employed as a prosecutor or public de-
10 fender; and
11 "(2) is not in default on a loan for which the
12 borrower seeks forgiveness.
13 "(d) TERMS OF AGREEMENT.—
14 "(1) IN GENERAL.—To be eligible to receive re-
15 payment benefits under subsection (c), a borrower
16 shall enter into a written agreement that specifies
17 that—
18 "(A) the borrower will remain employed as
19 a prosecutor or public defender for a required
20 period of service of not less than 3 years, unless
21 involuntarily separated from that employment;
22 "(B) if the borrower is involuntarily sepa-
23 rated from employment on account of mis-
24 conduct, or voluntarily separates from employ-
25 ment, before the end of the period specified in

the agreement, the borrower will repay the Attorney General the amount of any benefits received by such employee under this section;

"(C) if the borrower is required to repay an amount to the Attorney General under subparagraph (B) and fails to repay such amount, a sum equal to that amount shall be recoverable by the Federal Government from the employee (or such employee's estate, if applicable) by such methods as are provided by law for the recovery of amounts owed to the Federal Government;

"(D) the Attorney General may waive, in whole or in part, a right of recovery under this subsection if it is shown that recovery would be against equity and good conscience or against the public interest; and

"(E) the Attorney General shall make student loan payments under this section for the period of the agreement, subject to the availability of appropriations.

"(2) REPAYMENTS.—

"(A) IN GENERAL.—Any amount repaid by, or recovered from, an individual or the estate of an individual under this subsection shall

be credited to the appropriation account from which the amount involved was originally paid.

"(B) MERGER.—Any amount credited under subparagraph (A) shall be merged with other sums in such account and shall be available for the same purposes and period, and subject to the same limitations, if any, as the sums with which the amount was merged.

"(3) LIMITATIONS.—

"(A) STUDENT LOAN PAYMENT AMOUNT.—Student loan repayments made by the Attorney General under this section shall be made subject to such terms, limitations, or conditions as may be mutually agreed upon by the borrower and the Attorney General in an agreement under paragraph (1), except that the amount paid by the Attorney General under this section shall not exceed—

"(i) $10,000 for any borrower in any calendar year; or

"(ii) an aggregate total of $60,000 in the case of any borrower.

"(B) BEGINNING OF PAYMENTS.—Nothing in this section shall authorize the Attorney General to pay any amount to reimburse a borrower

for any repayments made by such borrower prior to the date on which the Attorney General entered into an agreement with the borrower under this subsection.

"(e) ADDITIONAL AGREEMENTS.—

"(1) IN GENERAL.—On completion of the required period of service under an agreement under subsection (d), the borrower and the Attorney General may, subject to paragraph (2), enter into an additional agreement in accordance with subsection (d).

"(2) TERM.—An agreement entered into under paragraph (1) may require the borrower to remain employed as a prosecutor or public defender for less than 3 years.

"(f) AWARD BASIS; PRIORITY.—

"(1) AWARD BASIS.—Subject to paragraph (2), the Attorney General shall provide repayment benefits under this section on a first-come, first-served basis, and subject to the availability of appropriations.

"(2) PRIORITY.—The Attorney General shall give priority in providing repayment benefits under this section in any fiscal year to a borrower who—

"(A) received repayment benefits under this section during the preceding fiscal year; and

"(B) has completed less than 3 years of the first required period of service specified for the borrower in an agreement entered into under subsection (d).

"(g) REGULATIONS.—The Attorney General is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $25,000,000 for fiscal year 2008 and such sums as may be necessary for each succeeding fiscal year.".

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110TH CONGRESS
1ST SESSION

H. R. 933

To establish within the United States Marshals Service a short term State witness protection program to provide assistance to State and local district attorneys to protect their witnesses in cases involving homicide, serious violent felonies, and serious drug offenses, and to provide Federal grants for such protection.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 2007

Mr. CUMMINGS (for himself, Mrs. CHRISTENSEN, Mr. VAN HOLLEN, Mr. RUPPERSBERGER, Mr. FATTAH, Mr. TOWNS, Ms. LEE, and Mr. PAYNE) introduced the following bill; which was referred to the Committee on the Judiciary

---

A BILL

To establish within the United States Marshals Service a short term State witness protection program to provide assistance to State and local district attorneys to protect their witnesses in cases involving homicide, serious violent felonies, and serious drug offenses, and to provide Federal grants for such protection.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Witness Security and
5 Protection Act of 2007".

SEC. 2. SHORT TERM STATE WITNESS PROTECTION SECTION.

(a) IN GENERAL.—Chapter 37 of title 28, United States Code, is amended by adding at the end the following:

"§ 570. Short Term State Witness Protection Section

"(a) IN GENERAL.—There is established in the United States Marshals Service a Short Term State Witness Protection Section which shall provide protection for witnesses in State and local trials involving homicide, or involving a serious violent felony or serious drug offense (as those terms are defined in section 3559(c)(2) of title 18), pursuant to cooperative agreements with State and local district attorneys and the United States attorney for the District of Columbia.

"(b) ELIGIBILITY.—The Section shall give priority in awarding grants and providing services to prosecutor's offices in States with an average of not less than 100 murders per year during the 5-year period immediately preceding an application for protection, as calculated using the latest available crime statistics from the Federal Bureau of Investigation.".

(b) CHAPTER ANALYSIS.—The chapter analysis for chapter 37 of title 28, United States Code, is amended

1 by striking the items for sections 570 through 576 and
2 inserting the following:

"570. Short Term State Witness Protection Section.".

3 **SEC. 3. GRANT PROGRAM.**

4 (a) GRANTS AUTHORIZED.—

5 (1) IN GENERAL.—The Attorney General is au-
6 thorized to make grants to State and local district
7 attorneys and the United States attorney for the
8 District of Columbia for the purpose of providing
9 short term protection to witnesses in trials involving
10 homicide, or involving a serious violent felony or se-
11 rious drug offense (as those terms are defined in
12 section 3559(c)(2) of title 18, United States Code).

13 (2) ALLOCATION.—Each district attorney re-
14 ceiving a grant under this section may either—

15 (A) use the grant to provide witness pro-
16 tection; or

17 (B) pursuant to a cooperative agreement
18 with the Short Term State Witness Protection
19 Section of the United States Marshals Service,
20 credit the grant to the Short Term State Wit-
21 ness Protection Section to cover the costs to the
22 section of providing witness protection on behalf
23 of the district attorney.

24 (3) ELIGIBILITY.—Grants under this section
25 may only be awarded in States with an average of

not less than 100 murders per year during the most recent 5-year period, as calculated using the latest available crime statistics from the Federal Bureau of Investigation.

(b) APPLICATION.—

(1) IN GENERAL.—Each eligible district attorney desiring a grant under this section shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Attorney General determines to be essential to ensure compliance with the requirements of this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $90,000,000 for each of the fiscal years 2008, 2009, and 2010.

○

Mr. SCOTT. The first of the three bills, H.R. 1700, the "COPS Improvement Act of 2007," amends the Omnibus Crime Control and Safe Streets Act of 1968 to expand the current authority of the attorney general to make grants for public safety and community policing for the COPS program.

COPS program was originally created in 1994 as part of the Violent Crime Control and Law Enforcement Act. Since its inception, the mission of the program has been to advance community policing in all jurisdictions across the United States.

The program achieves this objective by awarding grants to State, local and tribal law enforcement agencies so they can hire and train law enforcement officers to participate in community policing, to purchase and deploy new crime-fighting technologies and to develop and test new and innovative policing strategies.

Since 1994, the program has awarded more than $11 billion to over 13,000 law enforcement agencies across the United States, and at the end of fiscal year 2004, the program had been credited with funding more than 118,000 community policing officers.

The second of the three bills, the "John R. Justice Prosecutors and Defenders Incentive Act of 2007," also seeks to amend the Omnibus Crime Control and Safe Streets Act of 1968, but in the case of this measure, the legislation specifically directs the attorney general to assume the obligation to repay student loans of any individual who agrees to remain employed for at least 3 years as either a State or local criminal prosecutor or a State, local or Federal public defender in a criminal case.

The inherent difficulties associated with retaining qualified public attorneys are not new, and there are multiple reasons why an attorney might choose the private sector over the public sector. The most frequency discussed reason centers around the need for higher-paying jobs in the private sector to pay off lingering student loans.

The National Association of Law Placement reports that the median salary for a 5th-year associate in private practice is $122,500. In contrast, the median salary for a 5th-year State prosecuting attorney is merely $55,000, while a 5th-year public defender makes even less at $54,000, and a 5th-year local prosecutor makes about the same.

With significant pay disparities such as this, it is easy to understand how public-sector attorneys are easily lured away with the hope of obtaining larger salaries that can be found in the private sector, particularly when you have student loans involved.

The final measure we are considering today is H.R. 933, the "Witness Security and Protection Act of 2007." It seeks to amend title 28 of the U.S. Code to establish within the U.S. Marshals Service a short-term witness protection program for witnesses that are involved in a State or local trial involving homicide, a serious violent felony or a serious drug offense.

To ensure the best possible use of limited Federal resources, the legislation also directs the U.S. Marshals Service to give priority to those prosecutors' offices that are located in a State with an average of at least 100 murders per year during the 5-year period immediately preceding an application for protection.

Witness intimidation reduces the likelihood that citizens will engage in the criminal justice system which will deprive police and prosecutors of critical evidence. Moreover, it can have the unwanted effect of reducing public confidence in the criminal justice system and can create the perception that the criminal justice system cannot adequately protect its citizens.

I am looking forward to the testimony of our witnesses on these latter parts as well as their thoughts on the previous issues with regards to prior-mentioned bills.

With this said, it is my pleasure to recognize the esteemed Ranking Member of the Subcommittee, my colleague from Virginia, Representative Randy Forbes.

Mr. FORBES. Thank you, Chairman Scott.

I thank all of you for being here with us today. We appreciate your time and look forward to your expertise on these matters.

I want to thank the Chairman for holding this legislative hearing on H.R. 1700, the COPS Improvement Act of 2007; H.R. 916, the John R. Justice Prosecutors and Defenders Incentive Act of 2007; and H.R. 933, the Witness Security and Protection Act of 2007.

These bills attempt to address serious crime problems in our country: the rise in violent crime, the need for more State and local prosecutors and defenders, and witness security programs in State and local courts.

But I hasten to emphasize the word "attempt" to address these problems. Unfortunately, in their haste to address these problems, those drafting these bills have grabbed on to their old tried-and-true solutions: throw money at the problem, put out press releases, and in the end, waste taxpayers' money. We can and should do better.

The Cops on the Beat program was created in 1994 to award grants to State, local and tribal governments for the hiring and rehiring of police officers. Since then, COPS has awarded more than $11 billion to over 13,000 law enforcement agencies.

The COPS Office within the Department of Justice reported that by the end of fiscal year 2004, it had funded 118,000 new positions. That is what it reported.

A review of the program by the White House Office of Management and Budget, however, found that the COPS program had put fewer than 90,000 officers on the street. Likewise, a University of Pennsylvania study found that the number probably would wind up closer to 82,000, or 30 percent fewer cops than DOJ's estimate.

Despite the billions spent on this program, studies on the impact of the COPS program have reached conflicting findings and conclusions. A 2005 GAO report found that the COPS program has had only a modest impact on reducing violent crime.

The GAO report concluded that although COPS expenditures led to increases in sworn police officers above levels that would have been expected, "Without those expenditures, we conclude that COPS grants were not the major cause of the decline in crime from 1994 through 2001."

A May 2006 Heritage Foundation study reached two important conclusions: One, spending on the COPS program did not lead to an increase in the overall spending by local law enforcement, but merely supplanted State and local funds; and two, the COPS pro-

gram has led only to small reductions in crime, the benefits of which do not outweigh the costs of the COPS program.

In 2005, Congress passed a bipartisan DOJ reauthorization that included a variety of changes to the COPS program, including authorizing over $1 billion a year through the end of fiscal year 2009. Here we are, less than 2 years later, considering a bill that would increase the COPS reauthorization to $1.5 billion through fiscal year 2013.

It is business as usual. Rather than seeking to use innovative policing programs which have been shown to produce results, this bill simply throws more money down the drain and ignores the fact that as much as $277 million has been misspent and despite multiple reports that the COPS program has little to no impact on crime.

The better approach would be to take time to identify what works. Cities like Los Angeles and New York are experiencing a drop in violent crime. We need to ask why. What are these cities doing to achieve this success? What can we learn from them about innovative policing programs?

H.R. 916, the John R. Justice Prosecutors and Defenders Incentive Act of 2007, establishes a loan forgiveness program within the Department of Justice for State and local prosecutors and for Federal, State and local public defenders. Despite the good intentions of the bill's sponsors to encourage young attorneys to join the criminal justice system and prevent attrition, I have several concerns about the bill.

First and foremost, I am alarmed at the enormous cost of the bill, which would assume up to $60,000 in student loan debt for every prosecutor and public defender in the country without any limitation whatsoever. Repaying the debt for even just 50,000 participants would cost $3 billion.

In addition, H.R. 916 requires the Department of Justice—and not the Department of Education—to administer the program, this despite the fact that the Department of Education is the agency charged with awarding Federal student loans and currently administers several loan forgiveness programs. I can see no reason why the Department of Justice should be required to establish a system for repaying student loan debt when one already exists in the Department of Education.

Moreover, the bill requires the Department of Justice to undertake this program, regardless of whether any money is appropriated by Congress. We all know that simply authorizing funds for a program does not guarantee that those funds will ultimately be appropriated. Should this bill become law, the Department of Justice would be required to divert funds from its criminal justice functions to administer this program.

Finally, the bill makes no provision for whether participation in existing State and local loan forgiveness or repayment programs would disqualify participation in this program or at least offset a recipient's award.

Finally, H.R. 933, the Witness Security and Protection Act of 2007, creates a short-term State witness protection section within the U.S. Marshals Service to provide the short-term witness secu-

rity services for State and local witnesses in homicide, violent crime and drug cases.

Now, recently, this same Committee held a field hearing in New Orleans to address the increasing crime problem plaguing that city. We learned that witness intimidation is a reason why criminals go unpunished.

However, we learned that the major reason was because the entire judicial system was just so bad that even before the hurricane, only 7 percent of those arrested—7 percent—for even violent crimes, ever went to jail, and only 12 percent of those arrested for murder ever went to jail; that even when the prosecutor caught the murder and the murderer on videotape, he did not prosecute; and that judges who let criminals on the street saw their courts get a percentage of the release bond.

The reason witnesses were intimidated, according to testimony given to us, is because the judges put criminals back on the street before the witnesses could get home from the courthouse.

So what is our answer? Just send them a check.

This bill is sponsored by Mr. Cummings of Maryland, who has championed the issue of witness protection and witness intimidation, and I commend him for his dedication on this important issue. However, I have several concerns about the practical effects of this bill.

Mr. Chairman, I would like to put the rest of my statement in the record. And I hope we can work together to address the concerns with all three bills we are reviewing today.

I look forward to hearing from today's witnesses.

[The prepared statement of Mr. Forbes follows:]

PREPARED STATEMENT OF THE HONORABLE J. RANDY FORBES, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF VIRGINIA, AND MEMBER, SUBCOMMITTEE ON CRIME, TERRORISM, AND HOMELAND SECURITY

Statement of Ranking Member Randy Forbes
Subcommittee on Crime, Terrorism and Homeland Security

Legislative Hearing on H.R. 1700, the "COPS Improvements Act of 2007," H.R. 916, the "John R. Justice Prosecutors and Defenders Incentive Act of 2007," and H.R. 933, the "Witness Security and Protection Act of 2007"

April 24, 2007

Thank you, Chairman Scott for holding this legislative hearing on H.R. 1700, the "COPS Improvements Act of 2007," H.R. 916, the "John R. Justice Prosecutors and Defenders Incentive Act of 2007," and H.R. 933, the "Witness Security and Protection Act of 2007."

These bills attempt to address serious crime problems in our country – the rise in violent crime, the need for more State and local prosecutors and defenders, and witness security programs in State and local courts. I hasten to emphasize they "attempt" to address these problems. ~~These are all important issues~~. Unfortunately, ~~the majority~~, in ~~its~~ their haste to address these problems, these drafting these bills have ~~has~~ grabbed onto their old tried and true solutions – throw money at the problem, put out press releases, and in the end waste taxpayers' money. We can – and should - do better.

The COPS on the Beat program was created in 1994 to award grants to state, local, and tribal governments for the hiring and re-hiring of police officers. Since then, COPS has awarded more than $11 billion to over 13,000 law enforcement agencies.

The COPS Office within the Department of Justice reported that by the end of fiscal year 2004, it had "funded" 118,000 new police positions. A review of the program by the White House's Office of Management and Budget, however, found that the COPS program has put "fewer than 90,000" officers on the street. Likewise, a University of Pennsylvania study found that the number probably would wind up closer to 82,000 — or 30% fewer cops than DOJ's estimate.

Despite the billions spent on this program, studies on the impact of the COPS program have reached conflicting findings and conclusions. A 2005 GAO report found that the COPS program has had only a modest impact on reducing violent crime. The GAO report concluded that although "COPS expenditures led to increases in sworn police officers above levels that would have been expected without these

expenditures . . . we conclude that COPS grants were not the major cause of the decline in crime from 1994 through 2001."

A May 2006 Heritage Foundation study reached two important conclusions: (1) spending on the COPS program did not lead to an increase in the overall spending by local law enforcement but merely supplanted State and local funds; and (2) the COPS program has lead only to small reductions in crime, the benefits of which do not outweigh the cost of COPS program.

In 2005, Congress passed a bipartisan DOJ Reauthorization that included a variety of changes to the COPS program, including authorizing over one billion dollars a year through the end of fiscal year 2009. Here we are less than two years later considering a bill that would increase the COPS authorization to $1.5 billion through fiscal year 2013. It is business as usual for the majority. Rather than seeking to use innovative policing programs which have been shown to produce results, this bill simply throws more money down the drain and ignores the fact that as much as $277 million has been misspent, and despite multiple reports that the COPS program has little to no impact on crime.

The better approach would be to take the time to identify what works. Cities like Los Angeles and New York are experiencing a drop in violent crime. Why? What are these cities doing to achieve this success? What can we learn from them about innovative policing programs?

H.R. 916, the "John R. Justice Prosecutors and Defenders Incentive Act of 2007," establishes a loan forgiveness program within the Department of Justice for state and local prosecutors and for federal, state and local public defenders. Despite the good intentions of the bill's sponsors to encourage young attorneys to join the criminal justice system and to prevent attrition, I have several concerns about the bill. First and foremost, I am alarmed that the enormous cost of the bill, which would assume up to $60,000 in student loan debt for every prosecutor and public defender in the country, without any limitation whatsoever. Repaying the debt for even just 50,000 participants would cost $3 billion dollars.

In addition, H.R. 916 requires the Department of Justice and not the Department of Education to administer the program. This, despite

the fact that the Department of Education is the agency charged with awarding federal student loans and currently administers several loan forgiveness programs. I can see no reason why the Department of Justice should be required to establish a system for repaying student loan debt when one already exists in the Department of Education.

Moreover, the bill requires the Department of Justice to undertake this program regardless of whether any money is appropriated by Congress. We all know that simply authorizing funds for a program does not guarantee that those funds will ultimately be appropriated. Should this bill become law, the Department of Justice would be required to divert funds from its criminal justice functions to administer this program. Finally, the bill makes no provision for whether participation in existing state and local loan forgiveness or repayment programs would disqualify participation in this program or, at the least, offset a recipient's award.

H.R. 933, the "Witness Security and Protection Act of 2007," creates the Short Term State Witness Protection Section within the U.S.

Marshal's Service to provide short term witness security services for state and local witnesses in homicide, violent crime, and drug cases. Recently, the Crime Subcommittee held a field hearing in New Orleans, Louisiana, to address the increasing crime problem plaguing that city. We learned that witness intimidation is a ~~major~~ reason why criminals go unpunished. However, we learned the major reason was because the entire judicial system was so bad

This bill is sponsored by Mr. Cummings of Maryland who has championed the issue of witness protection and witness intimidation. I commend him for his dedication to this important issue. However, I have several concerns about the practical effects of this bill.

The U.S. Marshal's Service operates the Witness Security program to provide lifetime relocation and witness security for federal witnesses. The new Short Term State Witness Protection Section created by this bill is inconsistent with the Marshal's existing witness protection program. The Marshal's program operates with strict rules governing admission of witnesses to ensure compliance with the program requirements. As drafted, this bill does not permit the Marshals to

that even before the hurricane only 7% of those arrested for even violent crimes ever went to jail, only 12% of those arrested for murder ever went to jail, that even when the prosecutor caught the murder

Prosecute, and the judges who let criminals on the street. saw their cts get a % of the bond. ~~but~~ The reasons witnesses were intimated is because the judges put ~~them back~~ criminals

screen candidates for admission into the program, thereby jeopardizing the safety and overall effectiveness of the program. The Marshal's Service would be required to provide short term security at the whim of the district attorney.

H.R. 933 provides no funding for the creation of the Short Term State Witness Protection Section. Rather, the bill creates a new grant program that allows state and local district attorneys to choose between providing their own witness protection or utilizing the Marshal's Service. Only when a district attorney opts to use the new short term program are grant monies re-directed to the Marshal's Service. The Marshal's Service would be required to assume all startup and overhead costs to be prepared for the possibility that a district attorney will seek their assistance and even this could be sporadic.

Finally, I am alarmed at the amount of money authorized for this program -- $90 million a year for three years for a total of $270 million. The current Witness Security program operates 7 regional offices with 156 operational staff on roughly $63 million a year. Again, the bill is

back on the street before the witnesses could get home from the courthouse. So what is our answer? Just send them a check.

drafted in such a way that the Marshal's Service would not see a dime of the $270 million unless and until a district attorney chooses to participate in the short term program.

I hope we can work together to address the concerns with all three bills we are reviewing today. I look forward to hearing from today's witnesses.

Mr. SCOTT. Thank you. I thank my colleague for his statement, and I join you in insisting that programs be cost-effective, and we need to have more hearings on that. Many of the things that we have done are not cost-effective.

I notice that you did say that the COPS program did reduce crime, unlike many of the slogans that we have codified which actually increased the crime rate. So I join you in making sure that we can have cost-effective crime reduction policies.

We have a vote coming very shortly, and the sponsor of the COPS legislation is with us, and I would recognize him for a short statement.

Mr. WEINER. I thank you, Mr. Chairman. I will speak with my usual Brooklyn alacrity. I want to thank you for scheduling this hearing and thank your staff for their help with this and Mark Dunkelman of my staff, who has become perhaps the foremost expert on this program.

You know, when the COPS program was originally created, there was a certain amount of controversy surrounding it. There were some that said, "You know what? Philosophically, putting on cops on the beat is not what the Federal Government should be doing," despite the fact in the mid-1990's we were experiencing an explosion of crime.

The COPS program, though, has now, with some exceptions—and perhaps some of them are in the room—become seen as the classic democrat—with a small D—distribution of smart resources. We have had small towns, big cities all get additional cops out on the beat because of this program.

There might be some who argue that it is no longer the job of the Federal Government to provide assistance to localities in trying to protect themselves, but those people do not include former attorney general John Ashcroft, for example, or former secretary of homeland security Tom Ridge who said famously before this Committee that homeland security starts in our hometown, that it is going to be hometown police departments that are ultimately going to be the way we stay safe not only from crime, but from threats from terrorists as well.

The gentleman on the other side talked about some of the criticisms that remain of the program. He said that there is disagreement about how many cops were hired. Well, there are 118,000 additional cops on the street, according to the GAO, according to our own stats, according to the COPS Office of the Bush administration. There are additional cops on the street because of this program.

Now we have gone through this period where in Congress have said repeatedly that we believe the COPS program should be continued. In a bipartisan way, we reauthorized the Justice Department which included language that said fund the COPS program.

We said that there are some changes that needed to be made, for example, to reflect the idea that there are more terrorism jobs that localities have, that we might want to do some things to incentivize local police departments to hire troops returning from the front with these grants and to allow more use of technology.

One of the things that the gentleman points out, there is some controversy about exactly how many cops were added. Well, one of

the things the COPS program has done has said that if you can invest in your local police department, you might not need more officers, but you might need technology to make it possible for them to leave their police car or leave their desk and go out and patrol the streets. We count that as an additional cop on the street, as I thought most good Government people would.

We are doing in this House, frankly, what has been supported in a bipartisan fashion. We have several—I think over 25—Republican cosponsors in addition to virtually every Democratic Member of this House.

If my colleagues believe that it is our job to help law enforcement do their jobs in localities, the COPS program has been a success, and it has not just been a success in big cities like New York. It has been a success in tiny counties and tiny villages all across this country, and now we are here to say let's not let that success end.

And finally, let me point out one other thing. You know, while the Bush administration has continued to provide funding for the COPS Office, we have gradually become—over the course of years, less and less of the COPS funding is going to actually hiring cops.

In 1995, 81 percent of the money went for cops, and 19 percent went for non-hiring parts of the program. In 2006, it went for zero for hiring—not a single new officer was hired—all of the funds were used for non-hiring elements of the COPS program. Our bill reverses that.

It is going to be passing in the other body, we are going to pass it here, and citizens of the United States are going to be safer because of it.

And I thank you, Congressman Scott and Mr. Chairman, for taking the lead on this.

Mr. SCOTT. Thank you, and I thank the gentleman for his comment.

As I indicated, we have several votes, and it will be probably about half an hour or so before we get back. We will be back as soon as we can.

[Recess.]

Mr. SCOTT. The Committee will come to order. And we apologize for taking so much time, but when the speaker calls, then we have to respond.

We have a distinguished panel of witnesses here to help us consider the important issues of the day.

Our first witness, Laurie Robinson, currently serves as the director of the Master of Science program at the University of Pennsylvania's Department of Criminology, a position she has held since 2004. Prior to that, from 1993 to 1999, she served as the assistant attorney general in the U.S. Department of Justice. In that capacity, she headed the Office of Justice Programs, the department's research, statistics and State and local criminal justice assistance arm, which includes the National Institute of Justice, the Bureau of Justice Statistics and the Bureau of Justice Assistance.

Our next witness, the honorable Douglas Palmer, was elected in 1990 to serve as Trenton's mayor, the first African-American to hold that post. In 2003, he was appointed to serve as president of the National Conference of Democratic Mayors, and just 3 years later, in 2006, he became president of the bipartisan U.S. Con-

ference of Mayors. Through his tenure, Mayor Palmer has focused on improving health care, particularly for children, the elderly and poor. Mayor Palmer is a graduate of Hampton University, where he received a Bachelor of Science degree in business management.

Our third witness is police chief Ed Mosca. He joined the Old Saybrook Police Department in 1960, rose through the ranks, being promoted from detective to sergeant to lieutenant and ultimately appointed chief of police in 1971. Past president of the Connecticut Chiefs of Police Association and a past member of its board of directors, he attended Springfield College and the University of New Haven. He also attended the Connecticut Chiefs of Police Academy where he graduated first in his class. He also attended the Command Training Institute of Bapson College, the FBI National Academy and the FBI-sponsored LEEDS course.

Our next witness, Kamala Harris, is currently the district attorney for the City of San Francisco. In December 2003, she was elected as the first woman district attorney in San Francisco's history and the first African-American woman in California's history to hold that office. A successful prosecutor in Alameda County and San Francisco, she served in the San Francisco district attorney's office as the managing attorney for the career criminal unit from 1998 to 2000. She then headed the San Francisco city attorney's division on families and children. Throughout her tenure, Attorney Harris has touted a smart on crime approach, vigorously prosecuting criminal offenders while remaining committed to rehabilitation and preserving civil liberties. She holds a bachelor's degree from Howard University and obtained her doctorate from the University of California's Hastings College of the Law.

Our fifth witness, Mark Epley, currently serves as senior counsel to the deputy attorney general of the United States. In this role, he provides advice on budget and legislative matters and oversees the grant-making components of the Department of Justice. In addition to his other duties, he is charged with being the lead within the deputy's office for the attorney general's Project Safe Childhood Initiative, a nationwide effort to protect children from online exploitation and abuse.

Our final witness, John Monaghan, currently serves as a consultant on police policy and procedure. In this capacity, he provides assistance on research writing and expert witnesses to various organizations, including the New York City law department, the Sergeants' Benevolent Association and the Lieutenants' Benevolent Association. Prior to assuming his current responsibilities as a consultant, he served for more than 20 years with the New York City Police Department, rising through the ranks of sergeant to captain and ultimately to lieutenant. He holds a Bachelor of Science in criminal justice from John Jay College and a master's in public administration from Harvard University.

Each of the witnesses' written statements will be made as part of the record in its entirety.

I ask each witness to summarize his or her testimony in 5 minutes or less, and to help stay within that time, there is a timing light at the table. When you have 1 minute left, the light will switch from green to yellow, and finally to red when 5 minutes are up.

So we will begin with Professor Robinson.

TESTIMONY OF LAURIE ROBINSON, DIRECTOR, MASTER OF SCIENCE PROGRAM, DEPARTMENT OF CRIMINOLOGY, UNIVERSITY OF PENNSYLVANIA

Ms. ROBINSON. After a decade of decline, we know that violent crime and homicide is now increasing in many cities across the country. The Police Executive Research Forum released a report just last month that found dramatic increases in violent crime among 56 jurisdictions surveyed, more than a 12 percent increase in robberies and a 10 percent in homicides.

And crime is again in the center of public concern, as we have seen in mayoral races now ongoing in Dallas and Philadelphia. Philly, in fact, has had more homicides so far this year than the much larger cities of New York, Los Angeles and Chicago.

As I talk to thoughtful law enforcement and criminal justice leaders around the country, they are struggling. They are confronting very difficult gun, gang, drug and violence problems, but working with fewer officers, reduced budgets and added homeland security duties

Despite the fact that in our system of Government, States and localities have the major responsibility, of course, for public safety, I know from the 7 years that I spent as assistant attorney general in the Justice Department that effective Federal leadership in addressing crime is critical.

And in thinking about the best way that the Federal Government can assist, I think it is helpful to recall the history of the Federal criminal justice assistance program which goes back to the highly acclaimed report of the 1967 Johnson Crime Commission.

In my written statement, I discuss the appropriate Federal roles that the commission reports laid out, many of which were reiterated in the Reagan administration's violent crime report in 1981 and which are still timely and pertinent today.

For purposes of this oral statement, I will make four points.

First, Federal dollars should be used to ensure we learn what works, as Mr. Forbes laid out, and to spread that knowledge. Federally supported research to understand what is effective in controlling and preventing crime, field experiments conducted in concert with police and other practitioners, are terribly important just as we would conduct drug trials in NIH in the field of medicine. The difference is that in medicine, there are hundreds of millions of dollars being invested, but in crime, only a few million dollars are spent.

And then we need to spread that knowledge very broadly. I have urged creation in OJP of something like a what works clearinghouse. Nothing like that now exists. I wish I had set that up before I left.

Second issue: Federal leadership can support innovation, something local communities often do not have the money to pay for on their own. Examples here would be initiatives like the COPS Office has launched on school violence or methamphetamine or OJP's work over the last decade with drug courts.

Third issue: One of the most cost-effective ways Federal money can be spent, in my experience, is on technical assistance and

training, and here I would mention the COPS Office's Regional Community Policing Institutes. I think they are an excellent example.

Fourth, despite our limited ability to scientifically measure the effectiveness of the large block grant programs, like Byrne or JAG or the COPS Office program, where spending is invested in a limitless number of locally chosen programs, I think they have done much good.

Even those who have opposed using Federal dollars with COPS, for example, to pay local police salaries have frequently acknowledged that COPS has helped dramatically to spread community policing, and it has certainly reinvented the way a Federal grant agency relates to its constituents.

The fact is that State and local criminal justice right now is in a twofold crisis: dealing with rising crime on the one hand and juggling additional responsibilities in the post-9/11 world on the other.

In the spirit of the 40-year criminal justice assistance program, in my view, Federal leadership and support is vital to help States and localities deal with the challenging problems they are now facing of rising crime and homicide, drugs and gangs.

[The prepared statement of Ms. Robinson follows:]

PREPARED STATEMENT OF LAURIE ROBINSON

Mr. Chairman and Members of the Subcommittee:

My name is Laurie Robinson. I served from 1993 to 2000 as Assistant Attorney General for the Office of Justice Programs (OJP) in the U.S. Department of Justice, overseeing an annual budget of more than $4 billion to work in partnership with states and localities in addressing crime. During my last year at OJP, the agency was administering some 42,000 grants. I currently direct the Criminology Master of Science Program at the University of Pennsylvania.

I appreciate the invitation to appear before you today to talk about the recent increase in violent crime nationally—and why it is crucial that the federal government provide support to states and localities struggling to combat the problem.

WHY FEDERAL LEADERSHIP—AND SUPPORT—IS IMPORTANT RIGHT NOW IN ADDRESSING CRIME

While crime is largely a state and local responsibility, federal leadership and federal support is necessary—especially at a time, like today, when violent crime is on the rise—to ensure citizen confidence in public safety and the fair administration of justice. No one local jurisdiction, no one state can address these problems alone.

After a decade in which it was on the decline, violent crime is now increasing in many cities across the country: The FBI tells us that crime in the U.S. increased in the first half of 2006 by 3.7% (compared with the previous year)—including a 1.4% increase in murder and 9.7% increase in robbery.[1] A report released by the Police Executive Research Forum (PERF) last month found dramatic increases in violent crime among 56 jurisdictions surveyed—increases of 12.27% in robberies and 10.21% in homicides.[2]

And after years when crime was not a major national issue, it is again squarely in the center of public concern. As voters are going to the polls this May in Dallas to elect a new mayor, crime is cited as the top issue facing the city in recent polls.[3] And in Philadelphia, where I spend much of my time, the central issue in the upcoming mayoral race this spring is violence on the city's streets. We have suffered *more homicides* so far this year than the far larger cities of New York, Los Angeles and Chicago.

As I talk to thoughtful leaders in law enforcement and criminal justice around the country, many are struggling. With lessons learned from years of federally sup-

[1] Preliminary Semiannual Uniform Crime Reports, Federal Bureau of Investigation. See *http://www.fbi.gov/ucr/prelim06/table3.htm*

[2] *Chief Concerns: Violent Crime in America: Alarming Trends,* Police Executive Research Forum, Washington, D.C., March, 2007, at 2.

[3] "Poll: Crime tops election issues," *The Dallas Morning News,* Mon., March 12, 2007.

ported research, they know a great deal about how to deal with crime—that comprehensive approaches involving prevention, treatment and community engagement are critical, along with enforcement and punishment, to ensure public safety. But they are confronting problems of gangs, drugs, and violence (some of it committed by very young teenagers) that are difficult to address. They are stymied by working with fewer officers, reduced budgets, and the burden of added homeland security responsibilities. Anti-terrorism duties have, in fact, drawn attention and resources away from day-to-day crime fighting, while none of those longtime problems have gone away.

Indeed, some of the high profile "glamour" of the terrorism focus frustrates local cops. I asked a former student of mine, who is high up in the ranks of the Philadelphia Police Department, whether his colleagues had used federal Department of Homeland Security funds to conduct training on suicide bombers. He looked at me somewhat scornfully and said, "Laurie, we'll get around to that *if we ever have a suicide bombing in Philadelphia.* Right now, we're just busy trying to keep up with the shootings we see out here every day."

The fact is—as the National Criminal Justice Association has aptly put it—that federal funding for homeland security and for state and local criminal justice should not be an "either/or" proposition.[4] Safe streets, safe neighborhoods and safe cities are the predicate for a secure homeland, in both a conceptual and a practical sense. One can't neglect the former and expect the latter to exist. And—at the end of the day—we need to recognize that both rely on the same public safety infrastructure.

REFLECTING ON HISTORY

It is helpful to look at the history of the federal criminal justice assistance program when thinking about the appropriate federal role in reducing crime—and what is needed *and can be most effective today.*

Criminal justice in the United States has historically been, and still remains today, largely a state and local enterprise. According to the Bureau of Justice Statistics, of all the adults who went through the justice system in 2002, 94% were convicted in *state* court—not the federal system. Our justice system is also more decentralized than almost any other in the world. With 18,000 separate law enforcement agencies in the U.S., something as simple as training police in a new counterterrorism procedure becomes very complicated. By contrast, in the United Kingdom, an order could simply be issued from the Home Office and sent to the mere 45 police agencies throughout Great Britain.

The federal role in addressing crime was first defined in a document that is still very timely today—40 years later—"The Challenge of Crime in a Free Society," the report of President Lyndon Johnson's Crime Commission in the 1960s. Chaired by former Attorney General Nicholas Katzenbach (someone I've had the pleasure to get to know over the past two years), the Commission has had a profound influence on criminal justice in this country.

It called for a federal role in

- research
- fostering innovation in criminal justice
- gathering statistics and
- improving criminal justice.

It also called for establishment of a small federal office to fund state and local innovations in criminal justice—the seed that led in later years to the creation of the Law Enforcement Assistance Administration (LEAA) and to the Office of Justice Programs in the U.S. Department of Justice. Many of the core federal functions that I describe in this statement had their origins in the Katzenbach Commission's report.

These recommendations did not reflect partisan politics. They were re-affirmed in the Reagan Administration's report of the Attorney General's Task Force on Violent Crime (1981), which stressed the unique role of the federal government in demonstrating and promoting what works in crime prevention.[5]

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[4] "The Role of the Federal Government in Law Enforcement and the Administration of Justice," March 2005,See *http://www.ncja.org/Content/NavigationMenu/GovernmentAffairs/FederalGovernmentandJusticeAdministrationWhitePaper/default.htm*

[5] *Attorney General's Task Force on Violent Crime, Final Report,* U.S. Department of Justice, Washington, D.C. (1981).

WHAT ARE THE KEY FEDERAL ROLES IN REDUCING CRIME?

There are six core ways in which the federal government can—and should—assist state and local government in addressing crime. It is important to underscore that five of these six roles do not entail large investments of federal dollars.

1. Developing knowledge is a central federal role in public safety

Just as research and experimental trials have led to better ways to prevent and treat heart disease, the same has been true for crime over the past four decades. We now know a great deal more about how to deal with crime than we did in the 1960s. Two key differences between medicine and crime, however, are that, first, there are no business investors (like pharmaceutical companies in medicine) funding research relating to public safety and, second, the federal dollars devoted to crime research are in the low millions—not in the billions (as at NIH).

But the federal government, in fact, has a *crucial role* to play in supporting social science research and evaluation to learn "what works" in addressing crime. Aside from an occasional private foundation, no one else pays for this work to get done. Nor is it realistic to think local jurisdictions can afford to do this themselves.

Why is this knowledge so important? The answer is that, particularly at a time of tight budgets, we need to be investing in *evidence-based* approaches that can actually help reduce crime and we need to *stop funding programs that don't work, even when they have great popular appeal.*

Research also leads to the next breakthroughs—such as data-mining that is identifying the most likely murderers in the phalanx of 52,000 probationers in Philadelphia. Or the survey that tells us how law enforcement is really using closed circuit television in different cities. Or the randomized controlled experiment that demonstrates whether an in-prison treatment for pedophiles can be effective in reducing future offending.

Research and development for new technologies to serve and support criminal justice agencies has also been an important role of LEAA and OJP. The Science & Technology Office within the National Institute of Justice has made enormous contributions to the field—including its network of National Law Enforcement & Corrections Technology Centers that conducts demonstration projects and provides invaluable assistance to law enforcement to help it assimilate new technologies.

2. The federal government should collect and disseminate independent and credible national statistics on crime

The highly respected National Crime Victimization Survey (NCVS) reported by BJS since 1973 has provided what the FBI's Uniform Crime Reports has never attempted to produce: a count of crime that includes serious offenses, like rape, that may never be reported to police. This past year, however, BJS was threatened by budget shortages for its crime victims' survey. While this year's survey is going forward, the threat to a three-decade data series is a reflection of the limited funding that has been made available for this central federal function.

Too often, BJS—despite its irreplaceable role—has been the "poor stepsister" of the OJP agencies. In fact, at a time of rising crime, BJS should be charged by Congress with a *broadened role* in helping in our understanding of victimization. BJS should be mandated to measure crime on a *state-by-state basis,* even to the level of large cities, and provided with appropriate funds to support this mission. At present, the survey cannot provide this level of information.

The integrity of crime statistics is crucial to ensuring their credibility. No one questions Bureau of Labor Statistics reports because no one would dare to "mess" with its products. Yet a political appointee of the current Administration did try to rewrite the press release describing the findings of a key BJS report on racial profiling several years ago. After BJS's Director objected to this political interference, he was fired by the White House. For that reason, I urge this Subcommittee to consider legislation to give BJS explicit authority to issue its statistical reports and explanatory press releases independent of any outside clearance.

3. Federal dollars should support the innovation that localities cannot fund on their own

Supporting pilot projects through discretionary grants has been a central feature of the federal criminal justice assistance program from its earliest years—as the 1967 President's Crime Commission recommended. Funding of this kind allows jurisdictions to implement programs that have been proven effective or

to undertake experimentation. Local jurisdictions can rarely free up money to undertake these kinds of initiatives. Once established and shown to be successful in local settings, however, city councils or other budgetary officials will frequently buy into their continuation. Drug courts are a good example of this phenomenon.

But probably the best illustration of this is the work of the *COPS Office*—which has literally changed the face of policing across the United States since it was established in 1994. What is telling is that it is not just the hiring grants that caused this revolution to occur. Perhaps more important was the change in the culture of policing—and police/community relationships—that occurred as a result of a myriad of COPS innovation grants, conferences, and other initiatives.

Other examples of LEAA/OJP-supported innovations include:

- Problem-oriented and hot spots policing
- Problem-solving courts (drug courts, mental health courts, domestic violence courts, etc.)
- Victim/witness programs
- Career criminal prosecution units
- Bulletproof vests
- Forensic applications of DNA technology
- Drug testing programs
- Less-than-lethal weapons

4. There is no more central federal role than diffusion of knowledge

As I stated before, *we already know a great deal about what can be done to prevent and control crime.* For example, we know that, correctly used, drug treatment in the criminal justice system can play a powerful role in helping change offender behavior and reduce post-incarceration recidivism.[6] We also understand that, beyond a certain level, increasing rates of incarceration (while adding a staggering burden to state budgets) may not be as effective in reducing crime as other strategies (such as increasing numbers of police and reducing unemployment).[7]

But we have done a poor job—especially at the federal level—in getting information out. While I take credit for many things accomplished in the seven years I headed OJP, this is an area where I did not do enough to advance the ball.

A strong recommendation I have therefore made to the House Appropriations Subcommittee on Commerce, Justice, Science is to *mandate that OJP fund a "What Works Clearinghouse"* that summarizes—in brief, layperson's language—what is known from research about evidence-based approaches to addressing crime. Although it's hard to believe, no such resource now exists. A clearinghouse of this kind should provide information written in succinct, non-scientific language that is easily accessible to criminal and juvenile justice practitioners. Information for busy legislators and policymakers could be distilled into one-page summaries—something their staffs will do for them in any event.

This is an ideal role for the OJP agencies to undertake—in fact, it's hard to think of a more central federal role than this one. Three important resources here are:

- *Evidence-Based Crime Prevention,* edited by Lawrence W. Sherman, David Farrington, Brandon Welsh, and Doris MacKenzie (Routledge, 2002). This is an update of a Congressionally-mandated report which OJP commissioned and published in 1997 entitled, "Crime Prevention: What Works, What Doesn't, What's Promising."
- *The Coalition for Evidence-Based Policy,* a project of the Council for Excellence in Government in Washington, D.C.[8]

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[6] See *http://www.nida.nih.gov/PODAT—CJ/faqs/faqs1.html#3* and *http://www.evidencebasedprograms.org/Default.aspx?tabid=150,* for example.

[7] See, for example, *Reconsidering Incarceration: New Directions for Reducing Crime* by Don Stemen, Director of Research, Center on Sentencing and Corrections, Vera Institute of Justice, January 2007.

[8] See *http://coexgov.securesites.net/index.php?keyword=a432fbc34d71c7* and *http://www.evidencebasedprograms.org/*

- *The Campbell Collaboration*—an international non-profit organization that prepares systematic reviews of effects of interventions, among others, in the area of crime and justice.[9]

5. Technical assistance and training are two of the most effective federal public safety investments

During the years I spent at the Department of Justice I don't think I saw a better expenditure of federal dollars (other than on research) than those spent on technical assistance. Helping practitioners do their jobs better—on the front lines—is the ultimate way that the federal government can assist in conveying evidence-based best practices. It's one of the most cost efficient ways federal money is spent. And it's not about spreading the wisdom of high-priced Washington consultants; the best T.A. I saw provided was "peer-to-peer": Having drug court judges from Portland, for example, host teams from other jurisdictions. Judges trust what other judges tell them. So we'd provide training for courts to serve as "mentors" and fund travel so others could visit.

Another good example of successfully integrated technical assistance and training are the *Regional Community Policing Institutes (RCPIs).* I've been a fan of these since their creation by the COPS Office in the late 1990s. They provide high quality but low cost (or free) training for law enforcement agencies on topics ranging from community policing and gangs to school safety and meth labs. The RCPIs have provided a *national* presence with access to *local* practitioners, but they are about to be a victim of the dramatic cuts at COPS—a perfect example of a wonderful (but low profile) investment of federal money that has built infrastructure and credibility in the field, but now may be dismantled.

Yet another illustration of the federal government's central role has been in encouraging better information sharing. The *Justice Information Sharing Initiative* enables agencies to get the information they need to be effective within and across jurisdictions.

6. Larger federal grant programs—like JAG/Byrne and COPS—play a vitally important role

None of the core federal criminal justice assistance functions are expensive. Research, statistics, information sharing, technical assistance and training, innovative pilot programs—these are minimal investments in the scheme of the federal budget. While each could surely use more money, none requires substantial appropriations. The same, of course, is not true of the large block grant programs, or large discretionary grant programs like COPS, which have been a mainstay of the LEAA/OJP program since the passage of the 1968 Safe Streets Act.

The COPS program, in particular, has been distinctive. Even those who have questioned the value of federal subsidies of local police salaries have acknowledged that the COPS Office has helped dramatically to spread the concept of community policing and has reinvented the way a federal grant agency can relate to its constituents. Continuation—and strengthening—of the COPS program is something I strongly support (and passage, therefore, of legislation like H.R. 1700, the COPS Improvement Act of 2007, makes good sense).

In general, it is extremely difficult, if not impossible, to measure in any *scientific* way the impact of large programs like the Byrne Justice Assistance Grant (JAG) program, for which spending is invested in an almost limitless number of locally chosen programs. *Despite that, however, I come down in strong support of continued federal funding of COPS and of JAG/Byrne. State and local criminal justice right now is in a two-fold crisis, dealing with rising crime, on the one hand, and juggling additional responsibilities in the post-9/11 world, on the other. In the spirit of the 40-year criminal justice assistance program, federal leadership and support is vital to help states and localities deal with the challenging problems they are now facing of rising violent crime and homicide , drugs, and gangs.*

I would offer these suggestions, however, regarding these programs and the pending legislation before the Committee:

- *Strongly encourage block grant program grantees to consider funding programs of proven effectiveness.* Creation of a "What Works" clearinghouse would allow state and local practitioners and policymakers to find that information much more easily.

[9] See *http://www.campbellcollaboration.org/index.asp* and *http://www.campbellcollaboration.org/CCJG/index.asp*

- *Consider placing a four-year limit on federal funding for projects,* in light of the fact that federal money should primarily be used for innovation, rather than ongoing support.
- *Emphasize the strengths of programs—e.g., in COPS, to support community policing initiatives for crime prevention and crime fighting,* not just putting officers on the streets (so to allow flexibility to support gang task forces, anti-meth lab activities, and other specific initiatives to target problem areas).
- *Ensure and require coordination between DOJ's efforts and those in DHS.* I hear from state and local practitioners examples of *their* need to coordinate "on the ground" when the Departments of Justice and Homeland Security have not adequately collaborated from inside the Beltway. That kind of collaboration is tough in Washington. But it needs to be done better.
- *Support repayment of student loans for individuals who remain employed as public prosecutors or public defenders.* The John R. Justice Prosecutors and Defenders Incentive Act of 2007, H.R. 933, deserves support because of the worthy goal of encouraging young lawyers to enter public service in those areas. Too frequently, recent law graduates are saddled with such heavy loans that they have little choice but to enter large law firms in order to repay those debts. My only suggestion here is that—at some time in the future—this Committee consider extending this program to encompass those earning graduate degrees in programs such as the Masters Program in Criminology at Penn and entering positions in probation, corrections and law enforcement. Shouldn't young people in these areas of public service deserve our support as much as young lawyers do?

FINAL CRIME CONTROL RECOMMENDATION: REDUCING HOMICIDE BY FOCUSING ON PROBATION AND PAROLE POPULATIONS

I want to end with a positive suggestion regarding an area where federal investment of dollars could make a substantial difference in reducing crime. For reasons that are hard to discern, federal grant programs over the years have largely ignored probation and parole populations. There are 6 million convicted offenders on probation or parole in the nation, compared to only 2.2 million offenders or defendants behind bars. Offenders in the community clearly present the greatest risk to public safety, yet they receive little attention from the criminal justice system or from public budget allocations.

My Penn colleague Lawrence W. Sherman (Director of the Jerry Lee Center of Criminology) has pointed out that the majority of the 406 murders in Philadelphia last year were committed by—or against—individuals on probation, parole or pretrial release. He estimates that persons under the supervision of Philadelphia's Adult Probation and Parole Department (APPD) committed 22% of all homicides in the city in 2006 and made up 16% of murder victims. "This would mean that almost 4 out of ten murders involved an APPD case as victim or offender," Sherman notes.[10]

Using statistical data-mining techniques pioneered by another Penn colleague, Dr. Richard Berk, we are now working with Philadelphia's probation department to identify the handful of offenders most likely to kill or be killed. But with caseloads of 185 probationers per probation officer, such offenders usually receive minimal oversight. A small demonstration project with just five officers whose caseloads do not exceed 15 offenders is now testing a new way to prevent homicide. On a national scale, this approach could test a wide variety of murder prevention strategies—including clinical treatment for Post Traumatic Stress Disorder, drug abuse and mental illness—to prevent violence.

If this kind of approach could be undertaken in carefully designed randomized controlled experiments under a federal grant program, using collaborations between local probation agencies and universities, there is real promise, using scientific knowledge, of reducing homicide in many violence-ridden communities around the country—a prime example of the kind of innovative federal/state/local partnerships this criminal justice assistance program has fostered over four decades.

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[10] Lawrence W. Sherman, "Reducing Homicide by Enhancing High-Risk Probation and Parole: A Peer-Reviewed Grants Program," Testimony before the House Judiciary Subcommittee on Crime, Terrorism and Homeland Security, February 15, 2007.

CONCLUSION

Because of my longstanding involvement in the program, I have twice convened reunions of leaders of the LEAA/OJP agency—in 1996, as Assistant Attorney General, and again in 2006, as a private citizen. In both instances, I was struck by the support—across every era and from individuals of *both* political parties—for the federal criminal justice assistance program. The program has benefited from that passion, which has translated, I believe, into strong leadership over 40 years. For those of us who have had the chance to serve in that position, it has been an honor and a privilege to do so for a program dedicated to reducing crime and ensuring justice.

Mr. Chairman, I appreciate the opportunity to appear before the Subcommittee, and I would be happy to answer any questions.

Ms. WATERS. Thank you very much. Your time has expired.

Next, we will hear from Mayor Douglas Palmer.

TESTIMONY OF THE HONORABLE DOUGLAS H. PALMER, MAYOR OF TRENTON, NEW JERSEY, PRESIDENT OF THE UNITED STATES CONFERENCE OF MAYORS

Mayor PALMER. Thank you, Madam Chairwoman.

It gives me great honor to be on this very distinguished panel and talk about an issue as president of the United States Conference of Mayors, a bipartisan organization of mayors representing over 1,100 cities in this country, something we are all united on.

You have a 10-point plan that talks about Strong Cities, Strong Families for a Strong America, and, quite frankly, you cannot have a strong America, strong cities or strong families unless we have safe cities. As has been mentioned, it is very important that we have homeland security, but hometown security is equally important.

About 389 days ago, I happened to be in Los Angeles with Mayor Villaraigosa and Attorney General Gonzales and other chiefs of police and mayors, and we talked about the issue of rising crime. After that hearing was over—it was on a Friday—my police director got a call. He said to me, "Hold on a minute, Mayor," and he came back and said, "We had a shooting," which was the second one in 2 days.

This time, it was a warm Friday afternoon, a 7-year-old girl by the name of Tajahnique Lee, who was doing what most young girls and boys would do on a summer day, while riding her bike, got caught in a crossfire of rival gangs and was shot in the face. This is something that happens far too often in all of our cities, suburban areas and across this Nation.

As mayors, we understand. We have to make the phone calls. I had to make a phone call to her mother an hour later while she was in the hospital with her daughter and, of course, the things that her mother was saying to me, I could not really repeat, but I understand.

As mayors, we are the ones that have to make the phone calls, and that is why the work that you are doing is so very, very important. As you have said many times, mayors are on the front line of these issues. We have to make the calls. We get the calls in the middle of the night. We confront the families. We go to the funerals.

As crime has increased, we see a reduction in the COPS program, a program that is cost-effective, efficient and that works and

achieves results. As we talk about a surge in Iraq and needing more soldiers, we talk about hometown security, we need a surge of police officers in our cities.

It is unfortunate, and as someone that was educated in Trenton and at Hampton University and as an African-American man, it is very upsetting to me to have to say that we need to have more police, we need to arrest the bad guys out here, but quite frankly, we do.

We need to make sure that we have common-sense gun approach. We need to make sure that we can close the gun show loophole. We need to make sure that we can deal with the Tiahrt amendment and have police officers be able to trace data. We also need to go after the cultural violence that permeates the airways. We also need the resources that critical for our police officers.

Part of our 10-point plan is also about prevention, and I know the district attorney is doing great things as a result of re-entry and other kinds of issues that we support.

But when we talk about the COPS program, I am urging a bipartisan way that we give the police officers the resources that they need, that we make sure that the funding is flexible so that some areas may not need as much police officers as they need help with other kinds of programs like technology or other kinds of things, but have it in a block grant approach.

The mayors want to be held accountable and our police chiefs and police directors want to be held accountable for the results.

We are at a critical time in this Nation's history where we see terrorism abroad, we see terrorism at home in the form of gangs and drugs and guns, and I think as a Nation we have to say enough is enough, that we need a comprehensive proactive approach, but we also need to have the resources that these police officers need to have more police on the streets.

It is ironic that in England just last year when they foiled a terrorism plot, it was not the terrorism experts that did it. It was the cop on the block because the cops in these cities on the blocks know the neighborhood, know the people and know when something is wrong.

This is a form, quite frankly, of helping fight domestic terrorism, and I urge the passage of the reauthorization of H.R. 1700 as well as, I think, that H.R. 933 is a great idea to help States and cities with witness protection.

I thank you for your time.

[The prepared statement of Mayor Palmer follows:]

PREPARED STATEMENT OF THE HONORABLE DOUGLAS H. PALMER

Good afternoon. I'm Doug Palmer, Mayor of Trenton, New Jersey and President of The United States Conference of Mayors. I have been Mayor of Trenton since July 1990, and became President of The U.S. Conference of Mayors in December of 2006.

I want to thank my good friend Chairman Scott for calling today's hearing on issues related to crime in America's cities, as well as Ranking Member Forbes, and the entire Subcommittee.

This hearing is being held in the shadow of the April 16 tragedy at Virginia Tech University, where more than 30 people lost their lives, and many more are still suffering with injuries.

I want to express my personal sympathy for the victims, and the parents, families, teachers and friends of those killed or injured in this terrible attack. And I want to especially express my support to both Chairman Scott and Ranking Member Forbes, who both represent the Commonwealth of Virginia.

As this tragedy continues to demonstrate, gun violence and crime know no geographic boundaries. Whether at Columbine High School, or the Amish schoolhouse, or Virginia Tech University, or in cities across the nation every day, crime and violence are increasing.

How do I know this is a life and death matter?

In my own city, just over a year ago, seven-year-old Tajhanique Lee was out in the neighborhood riding her bike on a Friday evening. Unbeknownst to her, she rode right into a gang war, a reckless crossfire. And even though she was not the target, this beautiful little girl was shot through the mouth, the bullet going through both of her cheeks. Miraculously, she lived.

As our country and our people united to address the reality of terrorism after the attacks of 9/11, we must unite now to address the reality of gun violence and crime which continues to ravage our cities, suburbs and rural areas alike.

We must act now to prevent acts of violence and provide positive alternatives and help to those in need.

To be very honest, I am angry.

I am angry that after Columbine, Congress would not act to close the gun-show loophole, which allows criminals and others to buy guns without a background check.

I am angry that the assault weapon ban was allowed to expire.

I am angry that Congress has limited the ability of local law enforcement to trace illegal crime guns through the Tiahrt Amendment.

And I am angry that positive law enforcement partnership programs like COPS and the local block grant have been eviscerated.

We simply have to act now, and the nation's mayors are ready, willing, and able to stand with this Subcommittee and everyone in Congress who wants our help in moving forward a positive law enforcement and prevention agenda.

Mayors know that our first responsibility must be public safety. Only when our cities are safe can we focus on other priorities such as public education, job creation, and affordable housing. That's why one of the top priorities in our new *Mayor's 10-Point Plan on Strong Cities, Strong Families for a Strong America* is support for anti-crime programs.

In the 1990's, mayors and police chiefs put extensive effort into increasing public safety. And as we all know, there were dramatic results. Many cities saw crime rates drop to historic lows.

We recognize that there were a number of factors for this reduction in crime—including a strong economy and tougher prosecution and sentencing practices, mainly of drug related crimes.

However, additional police officers on the streets and greater support for innovative prevention programs had a major impact on crime.

And, the partnership developed between the federal government and local governments—under programs such as COPS and the Local Law Enforcement Block Grant—greatly helped cities deploy more officers and change the way policing is done in America.

I know that in Washington, there is debate as to whether these programs made an impact. In my city, and in thousands of cities across the nation, there is NO QUESTION that these programs made a significant difference.

In my city of Trenton, we are confronting a small number of heavily armed street thugs who are intent on committing violence against one another.

New Jersey, with huge public support, has some of the most stringent gun laws in the nation—but criminals circumvent those laws simply by crossing the state line—which is our city line—into Pennsylvania. There, an assault rifle can be purchased at a gun show for about a hundred dollars. Life should not be that cheap.

I have been to Harrisburg to urge legislation addressing guns and gangs and now I am here before you . . . again making the case against a gun market that feeds those who are severely mentally ill . . . or whose ruthless drug trade often involves the assassination of young African American or Latino men.

Rampant gun violence is more than a national tragedy. It is a disgrace.

Recently in Trenton our police arrested a murder suspect. At the time of the killing, he was out on bail. He was awaiting trial on the charge of *shooting at a Trenton police officer*.

Two years ago, a young man was arrested on gun charges *four* times in six months. Only on the fourth arrest was bail set high enough to keep him locked up.

Clearly, we have to address this "revolving door," which is why I am urging the New Jersey General Assembly to create a special "gun court" to focus on weapons crimes and the small number of repeat offenders who are responsible for so much violence.

Like all mayors, I am responsible to the residents of my city for keeping our streets safe. Working for tougher gun laws everywhere in America is what I have to do to meet that responsibility.

In my city, as in many in the Northeast, we are the objective for an interstate gun market. Half the guns confiscated by our police come from Pennsylvania. They come up from Virginia, Georgia, and Florida.

Who in their right mind would twist this situation into a threat against the rights of hunters? We must confront the real threat—to innocent citizens. We must put some reasonable curbs on what is a scandalous supply line to chronic offenders who use guns—and to do so we need leadership and partnership, not rhetoric.

While the history of the 1990's was one of partnership and crime reductions, what has happened in recent years has been very different.

Cities lost more than $2 billion annually as the COPS hiring program was eliminated, and the local block grant was merged into the Byrne Justice Assistance Grant program—and then slashed. And now many cities are seeing significant crime increases.

The latest findings from the Police Executive Research Forum found that some cities are experiencing double-digit or even triple-digit percentage increases in homicides and other violence.

PERF's 56 city survey found that over a two year period:

- Total homicides were 10.21 percent higher;
- Robberies increased 12.27 percent;
- Aggravated assaults increased 3.12 percent; and
- Aggravated assaults with a firearm increased by almost 10 percent.

Funding cuts are not the sole cause of the recent crime increases. But they DID have a major impact.

In my city, crime dropped 27 percent last year—but our focused enforcement required us to exceed our budget by $6 million.

Cities face many problems related to crime such as:

- the growth of gangs;
- the increased availability of illegal guns—something made harder to address by bad federal policies;
- drug abuse, including new drugs such as meth; and
- the return of more than 600,000 ex-offenders annually to our cities.

There is also a growing culture of youth violence and disrespect on our streets—fueled by negative media and entertainment images and messages—that is contributing to the increase in crime.

And all of this is happening at the same time that local governments are being asked to do more to help secure our nation from terrorist attacks.

I know that the federal government has increased anti-terrorism grants, but the increased support for "homeland" security has unnecessarily come at the expense of "hometown" security.

We need to once again form a strong partnership between the federal and local governments to fight crime. And we also need to focus greater attention on successful efforts to *prevent* crime, and create meaningful alternatives for children and young adults.

Chairman Scott recently participated in a meeting of our Criminal and Social Justice Committee. Half-way through a discussion on crime prevention, the mayors switched to a discussion of education and after-school programs. Clearly, the issues of crime, education and opportunity cannot be separated.

In Summits we have held across the country, the Conference of Mayors has been focusing on finding innovative ways to:

- improve early childhood education;
- strengthen school learning;
- reduce school dropout rates;
- promote after-school opportunities; and
- increase college and workforce preparedness.

Law enforcement officers can be a critical resource in not only enforcing laws, but in preventing crimes and creating positive environments in schools and communities.

The Conference of Mayors has adopted policy which calls for the reauthorization of the COPS program, and we urge passage of H.R. 1700, sponsored by Representatives Weiner, Scott and Keller. As this bill moves forward in the House and the Sen-

ate, we hope that it will contain a number of elements supported by our policy including:

- Funding for the hiring or re-deployment of additional officers, with a continued emphasis on community oriented policing in and around schools;
- Significant retention funding beyond the initial three years of the program for officers where local fiscal conditions require continued support;
- Much needed flexibility to pay overtime so long as it results in an increase in the number of officers deployed in community oriented policing;
- A significant increase in the per-officer funding limitation;
- Significant support for crime-fighting technology including: improved public safety communications and crime mapping; expansion and replacement of facilities necessitated by the hiring of additional officers; and crime solving technologies including crime lab improvements and DNA backlog reductions; and
- Support for the criminal justice system including efforts to increase community prosecutions.

We also commend the new Congress for increasing funding for COPS and the JAG program—the first time in years that the programs were not cut—and urge that both programs be fully funded in Fiscal Year 2008.

And while we have not adopted official policy on the matter, I think that H.R. 933—which would establish within the United States Marshals Service a short-term State witness protection program to provide assistance to state and local district attorneys to protect their witnesses in cases involving homicide, serious violent felonies, and serious drug offenses—could be very helpful.

All levels of government need to work closer together to find innovative ways to:

- Reduce the availability of illegal drugs;
- Increase access to drug treatment;
- Help ex-offenders successfully re-enter society;
- Keep kids out of gangs, and prosecute gang crimes with all available resources; and
- Fight the illegal gun trade and adopt common sense gun laws.

I want to end on this last point. April 16, 2007 is a national day of tragedy.

We need a common sense approach to guns in America.

We must allow the police to do their jobs and trace illegal guns by defeating the Tiahrt Amendment.

We must close the gun show loophole which allows guns to be sold without background checks.

We must prohibit the sale of military-style assault weapons and large capacity ammunition clips.

We must make sure that records are accurate and shared regarding those who should be prohibited under current law from purchasing a firearm.

The federal government must actively enforce all the current gun laws, and make sure the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)—which has been a strong partner with local governments—is provided all the resources and staff it needs to help keep America safe.

Beyond legislation, a new effort must be made against the use and trafficking of illegal weapons. Weapon buyback programs and ballistics tracking offer the hope of reducing the toll these weapons take on our citizens, our communities, our children. And in our communities, we can do more to help teachers, coaches and family members intervene where predictors for violent behaviors exist.

But comprehensive legislation at the federal level can take the lead in ensuring uniform protections and bringing safety to our communities. The dangers raised by inadequate protections in any given state threaten us all.

Our nation lost more than 30 people at Virginia Tech University, and we lose thousands more in cities across America every year to gun violence and crime.

This issue has been labeled gun control and cast in the terms of sacred, abstract constitutional arguments.

But respectfully, I am here to tell you that there is nothing abstract about innocent victims being wounded and killed.

Yes, we have a Second Amendment, but we also have a Declaration of Independence and there is something to be said for life, liberty, and the pursuit of happiness. Bi-partisan, common sense action must be possible, and we call on Congress and the President to act now.

Thank you.

Mr. SCOTT. Chief Mosca?

TESTIMONY OF EDMUND H. MOSCA, CHIEF OF POLICE, OLD SAYBROOK DEPARTMENT OF POLICE SERVICES, OLD SAYBROOK, CONNECTICUT

Chief MOSCA. Thank you, Mr. Chairman. I am here representing the International Association of Chiefs of Police as its legislative chairperson this afternoon, and I appreciate this opportunity.

The IACP has been and continues to be a strong supporter of the COPS program and the COPS Office. Since its inception in 1994, the COPS program and the community policing philosophy that it fosters has been very successful in helping law enforcement agencies throughout the Nation reduce crime rates and maintain safer communities. That is why we are so pleased to be here today to express our strong support for H.R. 1700, the COPS Improvement Act.

The COPS Improvement Act will, if enacted, allow us to build upon and extend the success of the COPS program when the COPS program was fully funded almost a decade ago. Communities throughout the Nation witnessed a remarkable decline in the crime rate. Years of innovative and effective efforts by Federal, State, tribal and local law enforcement agencies enabled us to transform our neighborhoods from havens of fear to safer, more secure communities.

I can speak from personal experience about the value and the benefits of the COPS program provided to the local police departments. In the 1990's, the COPS program made a profound impact on the ability of my department to protect the citizens that we served.

I was able to hire additional officers, purchase equipment, provide training that would have been otherwise out of reach for a smaller department like mine. We were also able to establish a highly successful and acclaimed school resource officer program which provided a practical level of security within our school system.

As a result of this assistance, my officers were better equipped, better trained and better positioned to fulfill their mission on a daily basis.

However, the success of the COPS program is not derived solely from the amount of Federal assistance funds that have been made available to State, local and tribal law enforcement agencies, but also in the manner in which the program has operated.

The key to the success of the COPS program is that it works with individuals who best understand the needs of their States, communities—State, tribal and local law enforcement executives. By adopting this approach, the COPS Office ensures that the right funds are provided to correct agencies to address appropriate needs.

Yet despite the best efforts of our Nation's law enforcement officers, the disturbing truth is that each year in the United States, well over a million of our fellow citizens are victims of violent crime. Unfortunately, in the last 2 years, we have seen a steady increase in the rate of violent crime in the United States. According to the FBI Uniform Crime Report, violent crime rose at a rate of

2.5 percent during 2005. To put that into perspective, that is an additional 31,479 victims.

This increase in the crime rate appears to be accelerating for the first 6 months of 2006. The crime rate rose at a percent of 3.7 percent when compared to the same frame in 2005. If this rate holds for the final 6 months—and I am sorry to say that I believe that it will—it will mean an additional 47,000 Americans found themselves victims of violent crime.

Further, for violent crime in general, cities with populations of 25,000 to 50,000 are seeing the fastest-growing incidents. From 2004 to the first 6 months of 2006, the violent crime rate in these communities rose by more than 8 percent. In towns with populations of 10,000 to 25,000, the homicide rate went up more than 6.5 percent over the same 2-year period.

I believe it is important to note that when compared to fiscal year 2002, the funding level of $3.8 billion, the Administration's fiscal year 2008 proposal represents a reduction of more than $3.2 billion, or 85 percent, and no program has been hit harder than the COPS program.

It is for these reasons that the IACP is such a strong supporter of the COPS Improvement program. By reauthorizing and expanding the mission of the COPS program, this legislation will ensure that the COPS program continues to serve and assist the State, tribal and local law enforcement communities.

For 5½ years, law enforcement agencies and officers have willingly made the sacrifices necessary to meet the challenges of fighting both crime and terrorism. They have done so because they understand the critical importance of what they are sworn to do and they remain faithful to fulfilling their mission of protecting and serving the public.

However, the expenditure of resources necessary to maintain this effort has left many police departments in a financial situation so dire that their ability to provide the services their citizens expect and deserve has been threatened and, in fact, diminished. This must not and cannot continue.

If our efforts to reduce crime and promote homeland security are to have any chance of succeeding, it is absolutely vital for Congress and the Administration to make the necessary resources available that would America's first line of defense, law enforcement, to mount successful and effective anti-crime programs, which are also effective anti-terrorism programs.

That concludes my statement, and I would certainly be pleased to answer any questions you may have.

[The prepared statement of Chief Mosca follows:]

PREPARED STATEMENT OF EDMUND MOSCA

INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE

TESTIMONY

Statement of

Edmund Mosca

Legislative Committee Chairman
International Association of Chiefs of Police

Before The

Committee on the Judiciary

United States House of Representatives

April 24, 2007

515 N. WASHINGTON STREET
ALEXANDRIA, VA 22314
703-836-6767
WWW.THEIACP.ORG

Good afternoon Mr. Chairman:

My name is Ed Mosca and I am Chief of Police in Old Saybrook, Connecticut. I also serve as the Chairman of the International Association of Chiefs of Police Legislative Committee.

As you may know, the IACP is the world's oldest and largest police organization. Founded in 1893, the IACP's current membership exceeds 22,000 law enforcement executives in 100 countries.

The IACP has been, and continues to be, a strong supporter of the COPS Program and the COPS Office. Since its inception in 1994, the COPS Program, and the community policing philosophy it fosters, has been very successful in helping law enforcement agencies throughout the nation reduce crime rates and maintain safer communities. That is why we are so pleased to be here today to express our strong support for H.R. 1700, the COPS Improvement Act. The COPS Improvement Act will, if enacted, allow us to build upon and extend the success of the COPS Program.

When the COPS Program was fully funded almost a decade ago, communities throughout the nation witnessed a remarkable decline in the rate of crime. Years of innovative and effective efforts by federal, state, tribal and local law enforcement agencies enabled us to transform our neighborhoods from havens of fear to safer, more secure communities.

I can speak from personal experience about the value and the benefit that COPS Program provided local police departments. In the 1990s the COPS Program made a profound impact on the ability of my department to protect the citizens we serve. I was able to hire additional officers, purchase equipment and provide training that would have otherwise been out of reach for a smaller department like mine. I was also able to establish a highly successful and acclaimed School

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Yet, despite the best efforts of our nation's law enforcement officers, the disturbing truth is that each year in the United States, well over a million of our fellow citizens are victims of violent crime. Unfortunately, in the last two years we have seen a steady increase in the rate of violent crime in the United States. According to the FBI Uniform Crime Report, violent crime rose at a rate of 2.5 percent during 2005. To put that in perspective, that is an additional 31,479 victims.

This increase in the crime rate appears to be accelerating. For the first six months of 2006, the crime rate rose at a rate of 3.7 percent, when compared to the same time frame in 2005. If this rate holds for the final six months, and I am sorry to say that I believe it will, it would mean that an additional 47,000 Americans found themselves victims of violent crime.

While there are many different theories as to why violent crime is increasing in communities after years of often double-digit declines, there is one fact that all can agree upon: no place is immune. What were once considered "urban"

problems—drug addiction and distribution, violent crime, gangs, and poverty—have migrated to suburban and even rural locations.

Further, for violent crime in general, cities with populations 25,000 to 50,000 are seeing the fastest growing incidents. From 2004 through the first six months of 2006, the violent crime rate in these communities rose by more than 8 percent. In towns with populations from 10,000 to 25,000 the homicide rate went up more than 6.5 percent over the same two-year period.

It is telling that this increase in crime in America, violent and otherwise, corresponds to the substantial decline in funding for local and state law enforcement from federal government assistance programs.

I will not use my time here this afternoon to enter into a prolonged discussion of the current budget situation confronting law enforcement but I would ask that I be able to submit a copy of the IACP's Budget Analysis for the record

I do believe it is important to note that when compared to the FY 2002 funding level of $3.8 billion, the Administration's FY 2008 proposal represents a reduction of more than $3.2 billion or 85 percent and no program has been hit harder than the COPS Program.

It is for these reasons that the IACP is such a strong supporter of the COPS Improvement Program. By reauthorizing and expanding the mission of the COPS Program, this legislation will ensure that the COPS Program continues to serve and assist the state and local law enforcement community.

The IACP believes that the COPS Program played an integral role in our ability to reduce crime rates in the past. By providing law enforcement agencies with the necessary resources, training and assistance, the COPS Program has become an invaluable ally to state and local law enforcement agencies. It is this fact that

makes the current situation completely unacceptable, not only to the nation's entire law enforcement community, but also to the citizens we are sworn to protect. It is an undisputed reality: state, tribal, and local law enforcement agencies are on the front line of effective terrorism prevention. Because of their 24/7, 365 days a year efforts to prevent and combat crime and violence, state, tribal, and local law enforcement officers are uniquely situated to detect, investigate, apprehend and hopefully prevent suspected terrorists from acting.

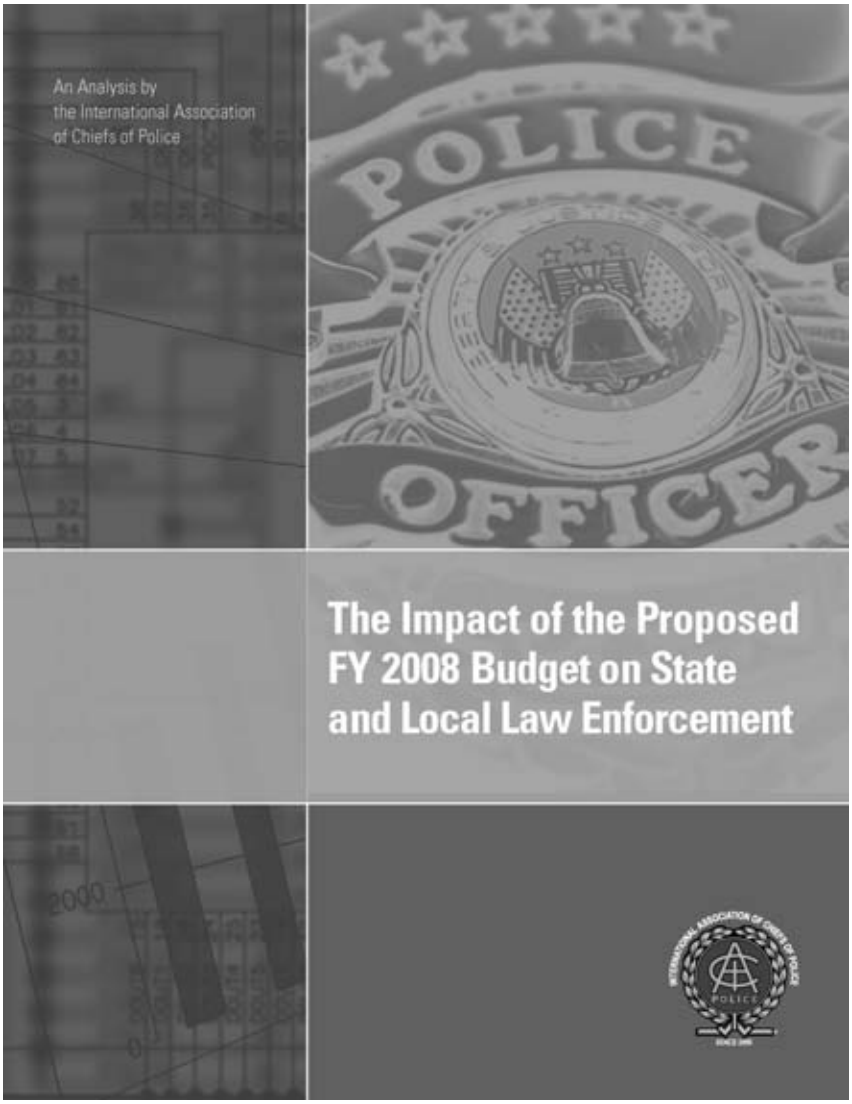
For five and half years, law enforcement agencies and officers have willingly made the sacrifices necessary to meet the challenges of fighting both crime and terrorism. They have done so because they understand the critical importance of what they are sworn to do, and they remain faithful to fulfilling their mission of protecting and serving the public. However, the expenditure of resources necessary to maintain this effort has left many police departments in a financial situation so dire that their ability to provide the services their citizens expect and deserve has been threatened and, in fact, diminished.

This must not and cannot continue. If our efforts to reduce crime and promote homeland security are to have any chance of succeeding, it is absolutely vital for Congress and the Administration to make the necessary resources available that will allow America's first line of defense—law enforcement—to mount successful effective anticrime programs, which are also effective antiterrorism programs.

The IACP urges Congress to approve quickly the COPS Improvement Act and to ensure that it and other vital state and local law enforcement assistance programs are full funded.

This concludes my statement. I would be glad to answer any questions you may have.

ATTACHMENT


An Analysis by
the International Association
of Chiefs of Police
POLICE
OFFICER
The Impact of the Proposed
FY 2008 Budget on State
and Local Law Enforcement

Executive Summary

On February 5, 2007, the Administration released its proposed budget for the 2008 Fiscal Year. State and local law enforcement assistance programs did not fare well in the proposed budget. Overall, funding levels for the primary assistance programs that are designed to assist state and local law enforcement agencies in their efforts to combat crime and terrorism were reduced by nearly **$1.6 billion, or 60%, when compared to FY 2007**.

Key Findings

- **In FY 2007, the two primary law enforcement assistance programs at the Department of Justice (JAG, COPS) received $1.066 billion. The Administration's budget would fund these crucial programs at just $32 million – a cut of $1.03 billion or 97%.**
- **When compared to the FY 2002 funding levels the Administration's FY 2008 proposal for state and local law enforcement assistance programs at the Department of Justice represents a reduction of more than $3.2 billion or 85%.**
- **The proposed budget would slash funding for law enforcement assistance programs at the Department of Homeland Security by more than $500 million, a decrease of 34.7%.**
- **When compared to historic funding levels for state, tribal, and local law enforcement programs, the proposed cuts become even more troublesome. In 1997, law enforcement assistance programs received $2.48 billion in funding. In 2008, the proposed funding level is $1.082 billion. That is a decrease of nearly $1.4 billion, a decline of 56%!**

IACP Viewpoint

After a careful review of the proposed FY 2008 budget, the IACP has determined that the proposed reductions in critical law enforcement assistance programs at the Department of Justice and the Department of Homeland Security have the potential to cripple the ability of state, tribal, and local law enforcement agencies to protect our communities from both traditional acts of crime and violence and the menace of terrorism.

In addition to financial difficulties that the proposed FY 2008 budget poses, state, tribal, and local law enforcement agencies are confronted by additional challenges such as the critical need to establish an effective and efficient public safety communications network, enhancing the public's perception of the criminal justice system; reducing the threat posed to law enforcement officers by assault weapons and the illegal use of firearms; as well as a growing difficulty in recruiting and retaining qualified law enforcement officers.

IACP Recommendations:

In response to the proposed FY 2008 budget and to address the other critical issues confronting our nation's law enforcement community, the International Association of Chiefs of Police calls on Congress to take the following actions:

- **Establish a Law Enforcement and Terrorism Prevention Trust Fund;**
- **Fully Fund the Byrne Justice Assistance Grant Program at $1.1 Billion;**
- **Fully Fund the Community Oriented Policing Service (COPS) Program at $1.05 Billion;**
- **Fully Fund the Law Enforcement Terrorism Prevention Program (LETPP) at $500 Million;**
- **Promote Information and Intelligence Sharing;**
- **Improve Public Safety Radio Communications & Interoperability;**
- **Establish a National Commission on Law Enforcement and the Administration of Justice;**
- **Enhance Police Recruitment & Retention;**
- **Reestablish the Assault Weapons Ban/Target Illegal Firearms Trafficking;**
- **Establish a Certified Officers Clearinghouse.**

The Challenges Confronting Law Enforcement in the United States

In the United States, there are more than 18,000 law enforcement agencies and well over 700,000 officers who patrol our state highways and the streets of our communities each and every day.

During the past 15 years, these officers and the law enforcement agencies they serve have made tremendous strides in reducing the level of crime and violence in our communities. This has been accomplished in part because these officers have an intimate knowledge of their communities and because they have developed close relationships with the citizens they serve.

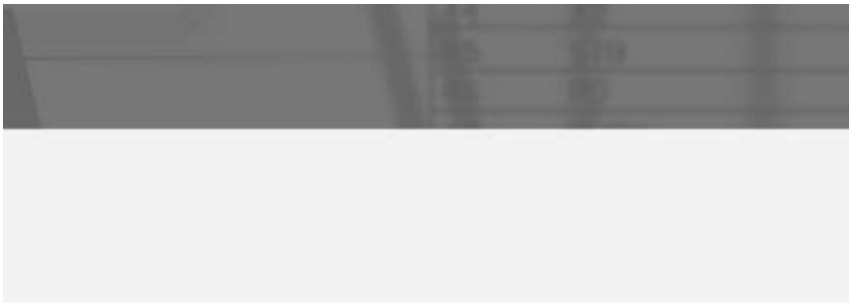
Unfortunately, in recent months we have witnessed a disturbing increase in violent crime occurring in large and small communities across the country. While there are many different theories as to why violent crime is increasing in these communities after years of often double-digit declines, there is one fact that all can agree upon: no place is immune. What were once considered "urban" problems – drug addiction and distribution, violent crime, gangs, and poverty – have migrated to suburban and even rural locations.

This increase in crime in America, violent and otherwise, corresponds to the substantial decline in funding for local and state law enforcement from federal government assistance programs. Today, police departments throughout the nation have far fewer officers and resources than they did in the 1990s.

Many claim that the reduction in resources for state, tribal, and local law enforcement agencies is a result of the federal government's need to focus on homeland security efforts. Unfortunately, funding federal homeland security efforts at the expense of state, tribal, and local law enforcement agencies weakens, rather than enhances, our nation's security.

State, tribal, and local law enforcement agencies are on the front line of effective terrorism prevention. As a result of their daily efforts to combat crime and violence, state, tribal, and local law enforcement officers are uniquely situated to identify, investigate, and apprehend suspected terrorists.

This central truth has been demonstrated on numerous occasions. Incidents such as the pre-attack traffic stops of September 11 hijackers Muhammad Atta, Ziad Samir Jarrah, and Hani Hanjour demonstrate that local law enforcement officers may encounter suspected terrorists in the course of their routine duties, while the arrests of individuals such as Timothy McVeigh and Eric Rudolph highlight the critical role that local law enforcement officers play in the apprehension of terrorists.



Unfortunately, in the years since 2001, the very programs that make such efforts possible, the Edward Byrne Memorial Justice Assistance Grant Program, the Community Oriented Policing Services Program, and the Law Enforcement Terrorism Prevention program, have suffered significant budget reductions. This is both unfortunate and shortsighted, for these programs have consistently demonstrated that they provide valuable and critical resources to the state, tribal, and local law enforcement community. By reducing, and in some cases eliminating, funding for these successful programs, Congress and the Administration have significantly reduced the ability of law enforcement agencies to combat both crime and terrorism.

As a result of these reductions, already tight state, county, municipal, and tribal budgets are forced to absorb the costs associated with increased training needs, overtime, and equipment purchases. Add to this the additional expenses incurred each time the national alert status is elevated, and it is little wonder that local resources have been stretched to the breaking point.

For five and half years, law enforcement agencies and officers have willingly made the sacrifices necessary to meet the challenges of fighting both crime and terrorism. They have done so because they understand the importance of what they have been asked to do, and they remain committed to fulfilling their mission of protecting the public. But the expenditure of resources necessary to maintain this effort have left many police departments in a financial situation so dire that their ability to provide the services their citizens expect, and deserve, has been threatened.

This must not continue. If our homeland security efforts are to have any chance of succeeding, it is absolutely vital for Congress and the Administration to make the necessary resources available that will allow law enforcement agencies to mount effective anticrime programs, which are also effective antiterrorism programs.

Unfortunately, as the IACP analysis makes clear, the cuts contained in the proposed FY 2008 budget have the potential to cripple the capabilities of law enforcement agencies nationwide and force many departments to take officers off the streets, leading to more crime and violence in our hometowns and, ultimately, less security for our homeland.

This document is designed to serve two purposes: first, it provides an overview and an analysis of the proposed FY 2008 budget and its impact on state, tribal and local law enforcement agencies. Second, it contains a law enforcement action agenda that contains ten recommendations for congressional action that will, if enacted, greatly assist the state, tribal, and local law enforcement community in its daily efforts to protect the citizens of our hometowns from the horrors of both violent crime and terrorism.

Overview of the Proposed FY 2008 Budget

On February 5, 2007 the Administration released its proposed budget for the 2008 Fiscal Year. State and local law enforcement assistance programs did not fare well in the proposed budget. Overall, funding levels for the primary assistance programs that are designed to assist state and local law enforcement agencies in their efforts to combat crime and terrorism were reduced by nearly **$1.6 billion, or 60%, when compared to FY 2007**.

Department Of Justice

Department of Justice assistance grants for the state, tribal, and local law enforcement community are funded primarily through two main programs: the Edward Byrne Memorial Justice Assistance Grant Program (JAG), managed by the Office of Justice Programs, and the Community Oriented Policing Services Program, administered by the Office of Community Oriented Policing (COPS).

As in previous budget submissions, funding for the JAG program, which was established three years ago by combining the Byrne grant program and the Local Law Enforcement Block grant program, was completely eliminated. The Administration proposed eliminating this program last year as well.

In addition, the COPS program was significantly cut in the proposed budget. The budget proposes just $32 million for the program, down from $541 million in FY 07, which represents a 78% decrease.

In FY 2007, these two primary law enforcement assistance programs received $1.066 billion. The Administration's budget would fund these crucial programs at just $32 million – a cut of $1.03 billion or 97%.

In addition, the Administration proposed the elimination of 17 additional programs that support state, tribal, and local crime fighting efforts. Broadly characterized as State and Local Law Enforcement Assistance these programs include:

- The State Criminal Alien Assistance Program;
- Tribal Courts Initiative;
- Drug Courts;
- Prescription Drug Monitoring;
- Cannabis Eradication;
- Improving State and Local Law Enforcement Intelligence Capabilities;
- Southwest Border Prosecutors Program; and,
- Indian Country Grant Program.

Comparison of FY 2007 and Proposed FY 2008 DoJ Funding Levels

Program	FY 07	Proposed FY 2008	Change from FY 07	Percentage Change
COPS	$541 Million	$32 Million	-$509 Million	-94%
JAG	$525 Million	$0	-$525 Million	-100%
Total	$1.066 Billion	$32 Million	-$1.034 Billion	-97%

In FY 2007, these programs were funded at approximately $1.4 billion. Combining the funding level of these programs with the JAG and COPS programs brings the total for FY 2007 state, tribal, and local law enforcement assistance to $2.5 billion.

In place of the programs that have been targeted for either elimination or reduction, the Administration has proposed two new initiatives: the Violent Crime Reduction Partnership Initiative (VCRPI) and the Byrne Public Safety Program (BPSP).

According to the proposed budget, the VCRPI *"will help communities suffering from high rates of violent crime to address this problem by forming and developing effective multi-jurisdictional law enforcement partnerships between local, state and Federal law enforcement agencies."* The BPSP represents the consolidation of many of the previous state, tribal, and local law enforcement assistance programs into a *"single, flexible grant program"* that will assist law enforcement agencies in addressing needs in their particular jurisdictions.

Unfortunately, both the VCRPI and the BPSP are funded at levels far beneath FY 2007 funding levels for existing programs. The Administration has proposed $200 million for the VCRPI and $350 million for the BPSP. When combined with the $32 million proposed for the COPS program, the combined total of $582 million represents more than a $1.7 billion cut from FY 2007 levels.

Regrettably, these proposed cuts only continue a trend that began in FY 2003 of significant funding reductions for law enforcement assistance funding at the Department of Justice. As noted in the chart to the right, when compared to the FY 2002 funding levels the Administration's FY 2008 proposal represents a reduction of more than $3.2 billion or 85%. As the chart notes, in FY 2006 and FY 2007 funding levels for these programs saw moderate increases from previous year funding levels. However, even the FY 2007 level of $2.3 billion is $1.5 billion below FY 2002 levels.

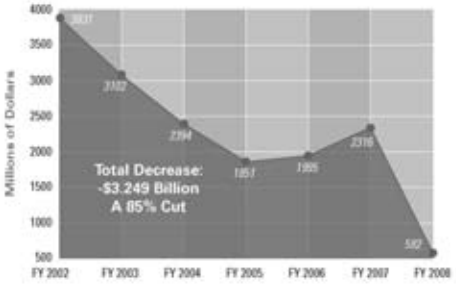
Department of Homeland Security

The proposed FY 2008 budget for the Department of Homeland Security calls for a reduction in funding for the three primary assistance programs from which law enforcement agencies are eligible to obtain funds: the State Homeland Security Grant program (SHSG), the Law Enforcement Terrorism Prevention Program (LETPP), and the Urban Areas Security Initiative (UASI). Combined, these three programs received $1.610 billion last year. **The proposed budget would allocate $1.050 billion for these programs, a decrease of 34.7%.**

Specifically, the proposed budget would cut funding for the LETPP from its FY 2007 level of $364 million to $263 million, a reduction of $101 million or 27%. LETPP funds are designated solely for the use of state and local law enforcement agencies.

The proposed budget would slash funding for State Homeland Security Grant funds, from an FY 2007 level of $509 million to a proposed FY 2008 level of $187 million, a decrease of $322 million or 63%. These funds are distributed to the states on a formula basis, 80% of which must be passed on to local governments. However, it is important to remember that these funds are not designated solely for law enforcement use, but can be used to fund a wide range of other public safety agencies like fire departments and EMS that have responsibilities related to preparing or responding to terrorist attacks.

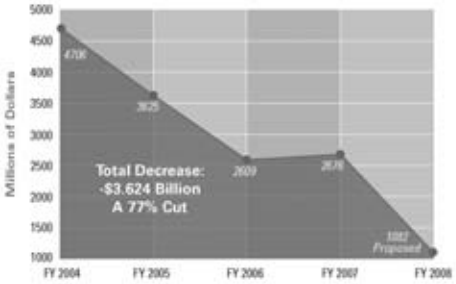
Funding Levels for State, Tribal and Local Law Enforcement Assistance FY 2002–FY 2008



Comparison of FY 2007 and Proposed FY 2008 DHS Funding Levels

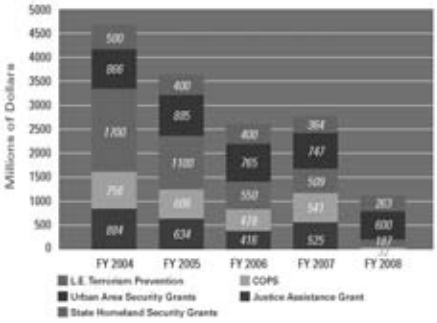
Program	FY 2007	Proposed FY 2008	Change From FY 2007	Percentage Change
SHSG	$509 Million	$187 Million	-$322 Million	-63.1%
UASI	$747 Million	$600 Million	-$147 Million	-19.6%
LETPP	$364 Million	$263 Million	-$101 Million	-27.7%
Total	$1.610 Billion	$1.050 Billion	-$560 Million	-34.7%

Funding Levels of Primary Direct Law Enforcement Assistance
DOJ Programs: COPS/LLEBG/BYRNE/JAG
DHS Programs: SHSG, LETPP, UASI



The chart below provides a graphic representation of how each of the individual assistance programs has fared over the same five-year period.

Breakdown of Law Enforcement Funding By Component Programs
FY 2004–FY 2008



There is also a proposed decrease in funding for the UASI program, from $747 million to $600 million, a cut of $147 million or nearly 20%. This program allocates funds to urban areas selected by the Department of Homeland Security based on a formula that takes into account factors such as critical infrastructure, population density, and credible threat information. As a result, the vast majority of law enforcement agencies are not eligible to receive funds under the urban area grant program, and will be forced to compete for funding assistance under the SHSG program.

Combined Funding For DOJ/DHS

When combined, the proposed FY 2008 funding level for existing DoJ / DHS assistance programs is $1.082 billion. **This is a reduction of $1.594 billion or 60% from the combined FY 2007 level of $2.676 billion.**

Unfortunately, the cuts to law enforcement assistance programs contained in the proposed FY 2008 budget are simply part of a continuing trend in the last few years. If these proposed cuts are enacted, **critical federal assistance programs that are designed to assist law enforcement and other public safety agencies combat crime and prevent and respond to terrorist attacks will have been slashed by more than $3.6 billion since FY 2004.**

Proposed FY 2008 Budget Vs. Historical Funding Levels

Over the last several years, the IACP and the law enforcement community as a whole has grown increasingly concerned over the steady reduction in funding available for law enforcement assistance programs.

Following the September 11, 2001, terrorist attacks and the creation of the Department of Homeland Security, the funding levels for critical law enforcement programs funded by the Department of Justice (COPS and Byrne) have witnessed steep declines.

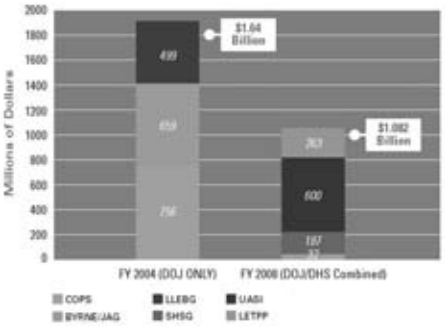
Proponents of these reductions argued that law enforcement agencies should not be concerned about these reductions because any loss in funds was being offset by large increases in assistance programs at the Department of Homeland Security.

However, as the charts to the right demonstrate, that is simply not true. In FY 2004, $1.64 billion was appropriated for law enforcement assistance programs at the Department of Justice. In addition, grant programs at the Department of Homeland Security received an addition $3.06 billion for a DoJ/DHS combined total of $4.70 billion.

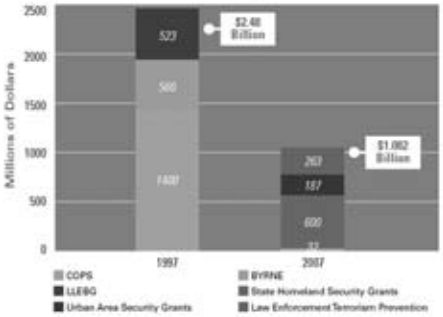
By contrast, in FY 2007, the Administration has proposed providing just $1.082 billion for the combined assistance programs of DoJ/DHS. **This request is $558 million less than was received by just the DoJ programs in 2004!**

An even more troubling perspective on these funding proposals becomes apparent when comparing the proposed FY 2008 levels to those of FY 1997. In 1997, law enforcement assistance programs at the Department of Justice (COPS, the Local Law Enforcement Block Grant Program, and the Edward Byrne Memorial Grant Program) received $2.48 billion in funding. In FY 2008, the Administration has proposed funding the law enforcement assistance programs at the Department of Homeland Security and the Department of Justice programs at a combined level of $1.082 billion. **That is a decrease of nearly $1.4 billion, a decline of 56%!**

Law Enforcement Assistance Funding FY 2004 v. FY 2008



Law Enforcement Assistance Funding FY 1997 v. FY 2008



IACP Viewpoint

After a careful review of the proposed FY 2008 budget, the IACP has determined that the proposed reductions in critical law enforcement assistance programs at the Department of Justice and the Department of Homeland Security have the potential to cripple the ability of state, tribal, and local law enforcement agencies to protect our communities from both traditional act of crime and violence and the menace of terrorism.

Over the years, these assistance programs have provided state, tribal, and local law enforcement agencies with the resources and tools they need to aggressively and effectively combat crime and violence in our communities. In addition, these programs were instrumental in achieving the dramatic reduction in national crime rates that we witnessed in last decade.

Unfortunately, despite their success, these programs have continually sustained massive budget reductions and, as a result, their ability to provide assistance to the law enforcement community has been severely diminished.

In addition to the financial difficulties that the proposed FY 2008 budget poses, state, tribal, and local law enforcement agencies are confronted by additional challenges such as the critical need to establish an effective and efficient public safety communications network; enhancing the publics perception of the criminal justice system; reducing the threat posed to law enforcement officers by assault weapons and the illegal use of firearms, as well as a growing difficulty in recruiting and retaining qualified law enforcement officers.

In response to the proposed FY 2008 budget and to address the other critical issues confronting our nation's law enforcement community, the International Association of Chiefs of Police has developed a Law Enforcement Action Agenda for the 110th Congress that details the steps that Congress and the Administration can take in order to provide state, tribal, and local law enforcement agencies with the tools and resources they need to combat rising crime rates in our nation and confront the menace of terrorism in our communities.

Law Enforcement Action Agenda for the 110th Congress

- **Establish a Law Enforcement and Terrorism Prevention Trust Fund**

  The IACP is very concerned that the debate over funding for the various law enforcement and homeland security assistance programs has become increasingly partisan over the past several years. The IACP believes that this issue is too important to the safety of our communities and our nation to allow political differences to delay or reduce funding. Law enforcement and other public safety agencies must receive the resources they need to ensure that they have the equipment, assets, training, and manpower necessary to fulfill their mission.

  For these reasons, the IACP urges Congress to adopt an approach similar to that used to combat crime in the early 1990s. As part of the 1994 Crime Bill, Congress established the Violent Crime Reduction Trust Fund, which set aside more than $30 billion to fund the law enforcement assistance programs and other anticrime initiatives created in the 1994 bill. This trust fund provided the law enforcement community with a consistent funding stream during the late 1990s. By designating these funds for crime control programs, Congress insulated these programs from both partisan politics and the budget cuts faced by other programs as the federal government strove to balance the budget

- **Fully Fund the Byrne Justice Assistance Grant Program at $1.1 Billion**

  The Byrne Justice Assistance Grant (JAG) Program provides funds to assist states and units of local government in controlling and preventing drug abuse, crime, and violence, and in improving the criminal justice system. The value of this program can be seen by examining the success of one of the most popular uses of Byrne JAG funds, multi-jurisdictional drug task forces. These multi-jurisdictional task forces help reduce the impact of drug and firearm traffickers, gangs, pharmaceutical diversion, and organized crime on America's communities. According to data compiled by the National Criminal Justice Association for the 2004 grant year, task forces funded in part by Byrne-JAG were responsible for:

  - 54,050 weapons seized;
  - 5,646 methamphetamine labs seized;
  - $250 million in seized cash and personal property (does not include the value of narcotics seized);
  - Massive quantities of narcotics removed from America's streets, including:
    - 2.7 million grams of amphetamines/methamphetamine;
    - 1.8 million grams of powder cocaine;
    - 278,200 grams of crack;
    - 73,300 grams of heroin;
    - 75 million cultivated and non-cultivated marijuana plants;
    - 27 million kilograms of marijuana.

- **Fully Fund the Community Oriented Policing Service (COPS) Program at $1.05 Billion**

  Since its inception, the COPS program has provided law enforcement agencies with the resources necessary to allow law enforcement agencies to mount effective anticrime programs, which also serve as effective antiterrorism programs. Since 1994, more than 13,000 of the nation's 18,000 law enforcement agencies have utilized 36,000 grants from the COPS Office. Some of the areas these funds have supported include:

  - Assisting law enforcement agencies in hiring more than 116,000 officers. Of this total, 6,500 have been school resource officers;
  - Providing more than 36,000 technology grants to help law enforcement agencies procure advanced technologies such as in-car computers and cameras, computer-aided dispatch systems, and laptop computers;
  - Providing more than $257 million to help local law enforcement agencies improve interoperable communication;
  - Providing more than $385 million to help state and local law enforcement combat methamphetamine and clean-up methamphetamine lab sites.

Both the COPS and JAG programs have a clear record of success. These programs have made it possible for communities throughout the nation to not only hire additional police officers, but also to ensure that they are well trained, well equipped, and positioned to protect our nation's citizens from crime and violence. Without the funds provided by these programs, many law enforcement agencies would be unable to maintain their current level of effectiveness and, as a result, their ability to protect our communities would be diminished.

- **Fully Fund the Law Enforcement Terrorism Prevention Program (LETPP) at $500 Million**

  To date, the vast majority of federal homeland security efforts have focused on increasing our national capabilities to respond to and recover from a terrorist attack. There is no question that response and recovery are important endeavors, and the IACP certainly agrees that there is a need to improve the response and recovery capabilities of the state, tribal, and local public safety agencies.

  However, law enforcement officials, unlike other members of the public safety community, have a dual responsibility. Law enforcement officials understand and accept that it is the responsibility of their agencies to be the first to arrive at the scene of a crime, an accident, or a terrorist attack. However, they also know that it is their primary responsibility to prevent these events from happening in the first place. As a result, law enforcement officials believe the need to build response and recovery capabilities are secondary to the need to build our capacity to prevent terrorist attacks from happening.

  The IACP believes that it is vitally important to fully fund the Law Enforcement Terrorism Prevention Program (LETPP). Unlike other homeland security programs, which fund a broad range of public safety organizations, the LETTP program is the only funding resource that is dedicated solely to meeting law enforcement's unique needs. The IACP believes that failure to retain and fully fund the LETPP will severely weaken the abilities of our nation's law enforcement agencies to detect and prevent future terrorist attacks.

- **Promote Information and Intelligence Sharing**

  In order to make use of the intelligence and information gathering capability of state, local and tribal law enforcement agencies, it is vital that federal, tribal, state, and local law enforcement agencies develop an efficient and comprehensive system for the timely sharing, analysis, and dissemination of important intelligence information. Therefore, the IACP urges Congress to follow the recommendation of the 9/11 Commission and take the steps necessary to promote intelligence-led policing and the information exchange between law enforcement agencies.

  As part of this effort, the IACP calls on Congress to support strongly the Information Sharing Environment (ISE) Implementation Plan recently submitted by the Office of National Intelligence (ONI). The IACP believes that the ISE plan is a major step forward in intelligence integration and will allow the law enforcement community to better detect, disrupt, and prevent future acts of terrorism.

  The IACP is particularly pleased that the ISE plan emphasizes the vital role that state, local, and tribal law enforcement must play in the development and dissemination of critical intelligence. This reinforces the IACP's longstanding belief that only through effective information sharing can we hope to ensure that our hometowns and homeland are safer.

- **Improve Public Safety Radio Communications & Interoperability**

  Improving public safety communications operability and interoperability is a priority for the law enforcement community. The IACP urges Congress to pass legislation authorizing the creation of a Public Safety Broadband Trust (PSBT) and the allocation of 30 MHz of additional public safety radio spectrum in the 700 MHz band for development of a national public safety broadband network to be administered by the PSBT. This network would allow for nationwide connectivity of existing public safety radio systems and would facilitate interoperability between all public safety agencies in a way not before possible. **This is a time sensitive matter because if Congress does not pass the necessary legislation prior to the spectrum being auctioned for commercial purposes (auction required no later than January 2008) the opportunity for public safety will be lost forever.**

- **Establish a National Commission on Law Enforcement and the Administration of Justice**

  Recently, concerns over highly publicized incidents of use of force, racial profiling, corruption, and instances of unethical behavior of police officers and executives have laid the groundwork for many of our citizens to believe that these problems are widespread and deeply rooted. The concerns of our citizens encompass not only law enforcement but all the participants in the criminal justice system – to the courts, to prosecutors and corrections and probation officials. For all of these elements to perform in an effective manner that ensures justice and leads to orderly and peaceful communities, there must exist a trusting and confident relationship with all of our citizens in every part of the country.

  In 1965, President Lyndon B. Johnson established the Commission on Law Enforcement and Administration of Justice recognizing, as he said, "the urgency of the nation's crime problem." The Commission labored for a year and a half, producing 200 specific recommendations involving federal, state, tribal, and local governments, civic organizations, religious institutions, business groups, and individual citizens that were intended to create a safer and more just society.

  It is IACP's view that the work of the 1967 Commission, embodied in its report, "The Challenge of Crime in a Free Society," was indeed effective. The commission and its recommendations marked the beginning of a sea change in our methods for dealing with crime and the public and built the framework for many of the exemplary programs that continue today.

  It is IACP's view that the time has come, once again, to create a national commission to conduct a comprehensive review of law enforcement and the administration of justice in the United States and to provide the nation with a measured response to crime and the threat of terrorism. It is our hope that the commission's recommendations would serve to ensure justice, to maintain order and peace, increase both our hometown and homeland security, and to secure a trusting and confident relationship between all Americans and their criminal justice system.

  The IACP believes that this commission should adopt the following principles to guide its work:

  - The commission should include all of the elements of the criminal justice system in its examination;
  - The commission should be comprised of individuals from within and outside the criminal justice system and that every effort be made to include – and to hear from every stakeholder in this process – individuals with the broadest possible perspective on the areas selected for review and concentration;
  - The commission must be given all the resources it needs to conduct a rigorous and thorough investigation and that it be given sufficient time to conduct an exhaustive review;
  - The commission should, as part of its review, study the threats, challenges, and opportunities created by these significant advances in technology over the last 30 years;
  - The commission examination should be conducted in a thoroughly non-partisan manner.

- **Enhance Police Recruitment & Retention**

  The recruitment of the best possible candidates, representing a cross section of the community, for employment in law enforcement is critical to maintain the public's trust and confidence in their law enforcement agency. However, it has become increasingly difficult to attract qualified personnel to law enforcement because of the higher compensation, more traditional work schedules, and less stressful working conditions available in other careers. Therefore, the IACP believes that funds should be made available through the COPS Office, or other federal assistance programs, to offset the expense of agency personnel who are dedicated to recruitment and candidate selection.

The IACP also urges Congress to create a new assistance program, modeled after the successful "Troops to Teachers" program, to encourage members of our nation's military to enter the law enforcement profession once they leave the service. Such a program should:

- Provide financial incentives to recently retired members of the military to pursue a career in law enforcement.
- Provide financial incentives (in the form of training funds) to law enforcement agencies that agree to hire eligible military veterans as law enforcement officers.

- **Reestablish the Assault Weapons Ban/Target Illegal Firearms Trafficking**

First passed in 1994, the assault weapons ban required domestic gun manufacturers to stop production of semiautomatic assault weapons and ammunition magazines holding more than ten rounds except for military or police use. While the ban was in place, it was remarkably effective in reducing the number of crimes involving assault weapons. In the period of the ban, (1994-2004) the proportion of assault weapons traced to crimes fell by a dramatic 66 percent.

Assault weapons are routinely the weapons of choice for gang members and drug dealers. They are regularly encountered in drug busts and are all too often used against police officers. In fact, one in five law enforcement officers slain in the line of duty between January 1, 1998, and December 31, 2001, was killed with an assault weapon.

The IACP has been a strong supporter of the assault weapons ban since 1992, and our membership approved a resolution calling for its reauthorization at our 2003 conference. The membership took this action because we, as law enforcement executives, understand that semiautomatic assault weapons pose a grave risk to our officers and the communities they are sworn to protect.

The IACP also opposes any legislation that would limit or reduce the ability of our nation's law enforcement agencies to combat the sale of illegal guns. The IACP believes that the ability to trace illegal firearms effectively plays a critical role in law enforcement's ability to protect communities from the scourge of firearms violence.

The IACP is opposed to the "Tiahrt Amendment" which restricts the ATF's ability to share vital gun trace information with its state and local counterparts. This amendment severely limits the ability of those agencies to conduct critical investigations designed to identify and apprehend corrupt firearms dealers and the traffickers they supply.

The IACP strongly believes that these provisions, and others like them, put our citizens and our officers at risk. Therefore, the IACP strongly supports efforts to repeal the Tiahrt Amendment and any piece of legislation containing provisions that would weaken law enforcement's ability to trace illegal firearms.

- **Establish a Certified Officers Clearinghouse**

Currently a law enforcement and/or corrections officer who leaves a department or loses certification in one state as a result of misconduct or criminal activities can easily circumvent employment screening in other states, or other jurisdictions within the same state, by misrepresenting prior police service records.

To combat this type of unethical officer, often referred to as a "rogue" or "gypsy" cop, the IACP seeks the establishment of a national clearinghouse of certified officers. This clearinghouse, placed preferably within the Department of Justice, will assist federal, state, tribal, and local public safety employers in conducting thorough, complete background investigations on applicants for these critical positions in public service. The clearinghouse would provide a national "pointer file" where prior conduct as a police officer could be divulged, accessed, and reviewed by prospective police and correctional employers.

The International Association of Chiefs of Police

The International Association of Chiefs of Police is the world's oldest and largest nonprofit membership organization of police executives, with over 20,000 members in over 100 different countries. IACP's leadership consists of the operating chief executives of international, federal, state and local agencies of all sizes.

Founded in 1893, the association's goals are to advance the science and art of police services; to develop and disseminate improved administrative, technical and operational practices and promote their use in police work; to foster police cooperation and the exchange of information and experience among police administrators throughout the world; to bring about recruitment and training in the police profession of qualified persons; and to encourage adherence of all police officers to high professional standards of performance and conduct.

Since 1893, the International Association of Chiefs of Police has been serving the needs of the law enforcement community. Throughout the past 114 years, we have been launching historically acclaimed programs, conducting ground-breaking research and providing exemplary programs and services to our membership across the globe.

Professionally recognized programs such as the FBI Identification Division and the Uniform Crime Records system can trace their origins back to the IACP. In fact, the IACP has been instrumental in forwarding breakthrough technologies and philosophies from the early years of our establishment to the present. From spear-heading national use of fingerprint identification to partnering in a consortium on community policing to gathering top experts in criminal justice, the government and education for summits on violence, homicide, and youth violence, IACP has realized our responsibility to positively effect the goals of law enforcement.

Even with such an esteemed history, we are continually initiating programs to address the needs of today's law enforcement professionals. Our members have let us know that they consider IACP to be a progressive organization, successfully advancing the law enforcement profession.

If you would like additional information about the IACP, please contact IACP Headquarters at 1-800-THE-IACP (1-800-843-4227) or visit our website at www.theiacp.org

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Mr. SCOTT. Thank you. Thank you.
Ms. Harris?

TESTIMONY OF THE HONORABLE KAMALA D. HARRIS, DISTRICT ATTORNEY, CITY OF SAN FRANCISCO, CALIFORNIA

Ms. HARRIS. Good afternoon, Chairman Scott and Ranking Member Forbes and other Members of the Committee. My name is Kamala Harris. I am the District Attorney of the City and County of San Francisco, and I also serve on the board of directors of the National District Attorneys Association.

I will be speaking about each of the three bills, beginning with H.R. 933, Witness Intimidation.

Nationwide, witness intimidation is among the most urgent and important challenges facing prosecutors and police, and the issue seriously undermines our efforts to catch and prosecute the country's most dangerous and violent criminals. In many jurisdictions, in fact, it has become an epidemic.

District Attorney Dan Conley of Boston, a colleague serving on the National DA's Association, reports that 90 percent of his office's gun-and gang-related cases involve some form of witness intimidation. Baltimore states attorney Pat Jessamy also estimates that there has been witness intimidation in 90 percent of her homicide cases.

In a recent Massachusetts survey of children and teenagers, 64 percent said that people will not report gang-related crime because they are afraid of retaliation or being killed. Recently, this hit home for us in San Francisco.

We had basically a real tragedy occur when one of our witnesses, who I will refer to as a hero, was murdered in the streets of San Francisco simply because he had the courage to come forward and be willing to testify about this most outrageous crime. His name was Terrell Rollins.

Terrell Rollins was shot, and he was seriously injured by the alleged shooter in the homicide case. He agreed to come forward and be relocated through our witness relocation program, and as a result of his safety during that time in the program, he successfully testified before the grand jury, which returned an indictment.

Tragically, however, he returned to the old neighborhood, and he was killed, as we could have predicted.

He was a witness and the only witness in that case, and as a result, the court had to dismiss that homicide case against a killer who is now walking the streets. And by the way, no witnesses have come forward to talk about the killing of Terrell Rollins.

Last year, in San Bernardino, California, two witnesses were also killed. Eighteen-year-old Melquiades Jose Rojas testified before two gang members and against two gang members in a murder case. After he testified, he was found dead, shot 25 times.

In another case in San Bernardino, a defendant broke into a witness's home and killed the witness and the witness's father and wounded the witness's infant son.

In 2003, in Shenandoah County, Virginia, Mr. Forbes, a 17-year-old girl was found stabbed to death on the banks of the river. She was 4 months pregnant. She had cooperated in the investigation of

a Texas gang homicide but left the Federal Witness Security Program. Four gang members were charged with her murder.

Each of these cases underscores the urgent need for H.R. 933. Law enforcement must have the tools we need to bring order to communities that are too frequently being overrun and overwhelmed by gang violence.

H.R. 933 is critical also because local and State witness relocation programs are severely under funded. In fact, California only has $3 million per year for witness protection for the entire State. In 2005, Baltimore only had $400,000 to relocate 184 families. Federal support is necessary because effective witness support is essential to our ability to respond to an increasingly rising tide of violence, as the chief of police has indicated.

And certainly, if law enforcement is unable to ensure safety for its own witnesses, who can? We cannot ask courageous witnesses to come forward, putting their lives on the line, if we are not willing to dedicate all and any resources necessary to protect them, to keep them safe and then to ensure serious consequences for those who are committing murders and gang violence in our community.

As it relates to H.R. 1700, I agree with what the speakers have said before me. I believe that it will help to address violence and witness intimidation in addition. More violent crime, but fewer witnesses, as I have mentioned, are coming forward to help police and prosecutors get violent criminals off the street. Many murders, in fact, remain unsolved throughout this country and not because there are no witnesses, but because no witnesses will come forward.

For example, in San Francisco, out of 181 murders occurring in 2005 and 2006, police have only cleared 30 percent. In Philadelphia, half the murders since 2002 remain unsolved. In Palm Beach County——

Mr. SCOTT. Ms. Harris, could you——

Ms. HARRIS. I will close it up, and I think I have made my point, which is that we have a situation where we absolutely have to ensure that we are protecting witnesses. I believe the COPS funding will help police officers on a local basis do that.

And finally, I would ask your support of the ability for prosecutors and public defenders to receive support in reducing their loan debt so that they can continue to do the important work they do pursuing criminal justice and justice in our courthouses across this country.

Thank you.

[The prepared statement of Ms. Harris follows:]

PREPARED STATEMENT OF THE HONORABLE KAMALA D. HARRIS

INTRODUCTION

Chairman Scott, Member Waters, Member Forbes, and Members of the Committee on the Judiciary:

My name is Kamala D. Harris, and I am the District Attorney for the City and County of San Francisco. I have served in this capacity for the last three years and have been a career prosecutor for the last seventeen years. Prior to being elected District Attorney, I served as a prosecutor in Alameda County, California specializing in the prosecution of child sexual assault cases, homicides, and other violent crimes. I also served as Chief of the Career Criminal Unit of the San Francisco District Attorney's Office and the Chief of the City Attorney's Division of Families and

Children. I currently serve on the board of the National District Attorneys Association.

I would like to extend my sincere thanks to Chairman Scott for inviting me to speak on these urgent issues. I am very grateful for the opportunity to address the Committee regarding House Resolution 933, the "Witness Security and Protection Act of 2007," H.R. 1700, the COPS Improvement Act of 2007, and H.R 916, the "John R. Justice Prosecutors and Defenders Incentive Act of 2007."

H.R. 933: WITNESS INTIMIDATION—THE SCOPE AND IMPACT ON CRIMINAL PROSECUTION

It is fitting that we are considering the pressing matters of witness intimidation and witness security during National Crime Victims' Rights Week. Nationwide, witness intimidation is among the most urgent and important challenges facing prosecutors in the pursuit of justice for crime victims.

Simply put, across the country, witnesses are increasingly refusing to come forward to provide information to law enforcement or to testify in serious and gang-related criminal cases. Many witnesses simply refuse to cooperate with law enforcement and are fearful of being labeled a "snitch" or becoming victims of violence themselves. Many have received threats or have been otherwise intimidated.

This problem of witness intimidation strikes at the very heart of the American criminal justice system. Without witnesses coming forward to provide information leading to the arrest and prosecution of violent criminals, law enforcement cannot apprehend and prosecute those accused of serious and violent crimes. Indeed, the structure of our adversarial system presumes that witnesses will be available and willing to testify. The Sixth Amendment to the United States Constitution guarantees the accused the right to confront witnesses against him because it assumes that witnesses will come forward. But in an increasing number of cases, witnesses are being intimidated, threatened or even killed.

While it has been difficult for researchers to quantify the scope of witness intimidation, the vast majority of prosecutors and police believe that witness intimidation is a paramount concern. The available data strongly support their view. District Attorney Daniel Conley of Suffolk County, Massachusetts reports that 90% of his office's gun and gang-related cases involve some form of witness intimidation. Baltimore's State's Attorney, Patricia Jessamy, estimates that 90% of her office's homicide prosecutions involve some form of witness intimidation or coercion. Between 2000 and 2005, the Los Angeles Police Department reported a yearly average of more than 778 gang-related witness intimidation offenses.

The data suggest a troubling increase in witness intimidation compared to a decade ago. According to the National Institute of Justice's 1995 study of witness intimidation, only 51 percent of prosecutors in large jurisdictions and 43 percent in small jurisdictions said that the intimidation of victims and witnesses was a major problem.[1] Prosecutors across the country believe that the issue of witness intimidation is the single biggest hurdle facing any successful gang prosecution.

Perhaps the most compelling evidence of the broadening scope of the witness intimidation problem is its impact on the attitudes of teens and young adults toward testifying. Their attitudes toward law enforcement and testifying are critical, as young people are often the eyewitnesses to gang-related crimes in their neighborhoods. The mere perception of retaliation profoundly impacts their willingness to cooperate with law enforcement. In a recent study, "Snitches Get Stitches: Youth, Gangs, and Witness Intimidation in Massachusetts," sponsored by the Massachusetts Executive Office of Public Safety and the National Center for Victims of Crime, 641 young people between 12 and 18 years old who attend Boys and Girls Clubs in Massachusetts were surveyed. Twenty-five percent of survey participants said that none of their neighbors would report a gang-related crime, and 64 percent said that people will not report such crimes because they are afraid of retaliation or being killed. The number of young people who reported these attitudes was far higher than the 12% of participants who had actually been threatened for reporting a crime.

There is a very high level of fear of retaliation, fear which may often by driven by recent, high-profile crimes committed against witnesses who participated in witness relocation and protection programs.

[1] Johnson, Claire, Barbara Webster, and Edward Connors, "Prosecuting Gangs: A National Assessment," Research in Brief, National Institute of Justice, United States Department of Justice, February 1995.

LOCAL LAW ENFORCEMENT'S NEED FOR EXPANDED WITNESS RELOCATION AND PROTECTION SERVICES

As H.R. 933 recognizes, witness relocation and protection programs are law enforcement's primary tool to respond to witness intimidation. Unfortunately, most local and state-level witness relocation and protection programs are temporary, severely underfunded, and provide few services to witnesses. Above all, these relocation programs are voluntary, and witnesses can, and often do, leave at any time. Indeed, in several recent cases, witnesses have left relocation programs against advice, returned to their old neighborhoods, and were killed. As detailed below, one such case occurred in San Francisco, others have occurred around the state of California, and there are other similar examples across the nation.

- **San Francisco, CA.** Last year, an heroic young witness, Terrell Rollins, was killed by three masked gunmen after leaving my office's Witness Relocation and Assistance Program and returning to his old neighborhood. Mr. Rollins had testified before a grand jury in a homicide case in which he had also been shot and severely injured. His life was threatened for testifying, so he agreed to be relocated from his old neighborhood. Tragically, he returned to that neighborhood and was gunned down in broad daylight. He was a hero, and his death sparked a major outcry from the community. I convened a citywide summit of faith, community and law enforcement leaders after he was killed to develop a community-based plan for supporting victims and witnesses who agree to testify in court. The homicide case in which Terrell was to testify was dismissed. Meanwhile, no witnesses have come forward to help the police solve Terrell's murder.
- **San Bernadino, CA.** Two witnesses in San Bernadino were killed after coming forward to testify in violent criminal cases. Eighteen year old Melquiades Jose Rojas testified against two alleged gang members in a murder case in San Bernadino. Shortly after he testified, he was found shot to death on the side of a road. He had been shot twenty-five times in the head and chest. He had qualified for witness relocation, but he had returned home and had not relocated at the time he was killed. In another case, a defendant broke into the home of a witness who had testified against him. The defendant also killed the witness's father and wounded his infant son.
- **Baltimore, MD.** A 17-year-old cooperative witness to a gang murder was shot in the back of the head by two members of the suspect's gang.
- **Shenandoah County, VA**. In 2003, a 17-year-old girl, who was four months pregnant, was found stabbed to death on the banks of the Shenandoah River. She had been a witness to a gang murder in the state of Texas and had been in the federal witness protection program, which she voluntarily left and rejoined her gang, the notorious Mara Salvatrucha gang, commonly known as MS-13. She was apparently killed for past cooperation with law enforcement. Four MS-13 members were charged in federal court for her murder.

These cases are tragic, and they contribute to the climate of fear and intimidation in communities under siege by gangs and violence. These cases also dramatically underscore the urgent need for H.R. 933 and additional resources for local law enforcement to relocate and protect witnesses who courageously come forward.

Many local witness relocation, assistance and protection programs are severely under-funded, to the extent they even exist as formal programs. Operating on shoestring budgets, local law enforcement agencies often can only provide temporary services for no longer than the duration of the underlying criminal prosecution. Even in California, our state only budgets $3 million per year for witness protection for the entire state. In 2005, 184 families were relocated from Baltimore, but the city only has a $400,000 budget for witness relocation. In smaller jurisdictions and states, witness relocation or protection consists of giving a witness rent money for a hotel or helping them move in with relatives or friends.

Effective witness relocation, support and protection are essential to our ability to respond to a rising tide of violence in our country. If law enforcement is unable to ensure safety for its own witnesses, who can we protect? It is unacceptable for us to ask heroic witnesses to come forward, putting their lives and the lives of their families on the line, if we are not willing to dedicate the resources necessary to keep them safe. The problem of gang violence and intimidation is most acute in our nation's most struggling communities. We must make real the promise of safety for those neighborhoods. We cannot tolerate in America that there are zones of lethality in urban centers across the country, zones of lethality a few miles from where we sit today, zones that those of us fortunate enough to have the option, never drive through, and where we certainly do not linger.

Law enforcement must have the tools necessary to bring order to those communities overrun by gang violence. And let us not suppose that the rest of us are immune from the effects of that violence simply because we may live in a different zip code. We are all at risk when murderers and violent gang members are left free to commit crime in a lawless environment. There must be consequences for violent crime. Accountability for the perpetrators so often rests on the ability of witnesses to participate in our criminal justice process.

I believe the Witness Security and Protection Act of 2007 will provide critical resources to local and state law enforcement agencies to shore-up local efforts to relocate and protect our witnesses. It would establish within the United States Marshals Service a short-term witness protection program to provide assistance to state and local prosecutors to protect their witnesses in serious criminal cases. This assistance will be especially critical for smaller jurisdictions and in states where there are few, if any, existing resources for witness relocation and protection.

ADDITIONAL SUGGESTIONS FOR WITNESS RELOCATION AND PROTECTION SERVICES

In addition, I suggest that the Committee consider funding a more comprehensive, victim-centered approach to witness relocation and protection. Relocation must be a long-term option for witnesses and their families. Many witnesses have left their neighborhoods for the first time, and they often return home to danger against the advice of law enforcement because their participation is voluntary. To ensure that witnesses remain in their new, safer communities, witnesses and their families should receive comprehensive advocacy to connect them with services and opportunities in their new environment. In my office, I assign a Victim Advocate to each witness and family in relocation. The Victim Advocate works to connect witnesses and their families with counseling, treatment, education, recreation programs, and local service providers, so they can productively occupy their time and become grounded in their new host community while they are relocated. The goal is to meaningfully connect them to their new community so they are more likely to resist the pull of the familiar and return to their old neighborhood where they face danger. It is imperative to make this investment, so that witnesses remain relocated, available to testify at trial, and murderers can be brought to justice.

H.R. 1700: THE CRITICAL IMPORTANCE OF COMMUNITY-ORIENTED POLICING SERVICES AND IMPROVING COOPERATION WITH LAW ENFORCEMENT

Addressing intimidation and retaliation is necessary but, on its own, not sufficient to ensure broad and sustainable cooperation from witnesses. Across the country, in large and small communities, witnesses are simply are not coming forward and will not cooperate with law enforcement. This is a community-wide problem that requires a community-wide approach, particularly federal support for community policing efforts.

The primary evidence of this broad reluctance to cooperate with law enforcement is the high number of unsolved murders in urban and suburban America. While the impact is most severe in predominantly poor, minority neighborhoods in major American cities, smaller and more rural areas have been impacted as well. In many unsolved murder cases, there were several, if not many, eyewitnesses to the murders, none of whom have been willing to come forward.

For example, in San Francisco, out of 181 murders occurring in 2005 and 2006, police have only cleared 30%. There have been murders in my city committed in broad daylight where we know there were 10 or more eyewitnesses, yet no one has come forward and the crimes remain unsolved. The killers remain on the loose, surely prepared to kill again. In Philadelphia, half of the murders since 2002 remain unsolved. According to my good friend and colleague Professor David Kennedy at the City College of New York, who is among the nation's leading experts on criminal justice issues, recently stated that the solve rates for homicides in some urban communities have dipped into single digits, far below the national standard of roughly 60%. A similar trend is occurring in smaller and medium-sized jurisdictions. In Palm Beach County, Florida, all of the county's seven murders this year remain unsolved. In Pomona, California, only 44% of the city's homicides had been solved at the end of 2006.

Many witnesses perceive cooperating with law enforcement as "snitching." Over the last few years, a "Stop Snitching" phenomenon has developed in youth culture, reflected in underground DVD's and the ubiquitous "Stop Snitching" t-shirts people wear in courthouses across the country, including parents who have worn the shirts to their children's court hearings in our juvenile courthouse in San Francisco. In Boston, the presiding judge saw so many of the t-shirts in his courtroom that he banned "Stop Snitching" attire from the court building and property.

My experience with young people in my jurisdiction also reflects the strong influence of the "Stop Snitching" attitude and refusal to report crime. In the aftermath of the murder of Terrell Rollins that I described earlier, I organized a citywide summit on witness intimidation with faith, community, youth and law enforcement leaders. We held a focus group with four young adults between 16–28 years old, who said that fear of ostracism from their community was a primary reason for refusing to "snitch" on others.

This suggests that entire communities are experiencing a reluctance to come forward. Witnesses fear being cast out of their communities and labeled "snitches" in addition to literal retaliation. This requires a broad, community-based response from police and prosecutors in close partnership with a broad cross-section of partners—in other words, an aggressive commitment to community policing.

Community policing is the cornerstone of efforts to build the bond of trust between police and prosecutors and the communities we serve. I strongly support restoration of the cuts imposed on the COPS program and urge the Committee to support the program.

Community policing promises a durable, meaningful partnership between police and citizens to prevent crime, solve problems and conditions that encourage crime, and work together to hold perpetrators accountable for committing crimes. Most models of community policing focus on the delivery of police services that includes aspects of traditional law enforcement, as well as prevention, problem-solving, community engagement, and partnerships.

Community policing is the most important component of the very best response to crime, preventing it in the first place. Significant spikes in violent crime in many urban centers threaten to reverse many years of tremendous improvement in crime rates. Restored funding for the COPS program will increase the number of police officers on the street at a time when we face a critical juncture in crime control for our country. This funding is, again, vital to our duty to protect from crime and violence every citizen, every neighborhood, no matter how poor or marginalized. But we cannot be shortsighted enough to think that the recent increases in violent crime will remain isolated in pockets of poverty. Crime is on the rise and our response must be swift and substantial so that violence is quickly brought under control before it spreads and becomes more acute.

H.R. 916: THE LAW SCHOOL STUDENT LOAN DEBT PROBLEM FOR PROSECUTORS AND PUBLIC DEFENDERS

It is imperative that prosecutors' offices are able to recruit the best and brightest attorneys and retain the most qualified and experienced prosecutors in their offices. The "John R. Justice Prosecutors and Defenders Incentive Act" will provide a modest incentive to attract prosecutors and public defenders to public service and help them maintain that commitment throughout their careers.

This is an issue on which the National District Attorneys Association believes urgent Congressional action is needed. I should note that I am also advocating on behalf of both prosecutors and public defenders. We are united in this effort to ensure that our offices are fully staffed with trained and experienced attorneys because we have an equally strong interest in maintaining confidence in the criminal justice system.

Prosecutors continue to be paid low salaries compared to those in the private sector. In 2006, Equal Justice Works reported in *Financing the Future, Responses to the Rising Debt of Law Students* that starting salaries for state and local prosecuting attorneys averaged approximately $44,000.[2] Prosecutors' offices simply cannot compete with private firms to attract the best and brightest lawyers. With major law firms offering starting salaries of over $125,000 per year, the modest salaries young prosecutors earn pale in comparison. And it is not a lack of commitment to public service that draws many law school graduates away from public service, but their student loans. Burdened with loan debt from undergraduate and graduate studies, the Equal Justice Works study concluded that the "average amount borrowed in law school by the class of 2005 was $78,763 at a private school and $51,056 at a public school. Many lawyers in my office owe over $100,000 in law school debt alone.

This unfortunate combination inevitably causes high turn-over rates that result in less experienced prosecutors in courtrooms across this country handling more and more serious criminal cases. Neither the safety of victims and the public, nor due

[2] Heather Wells Jarvis, *Financing the Future, Responses to the Rising Debt of Law Students,* 2nd Edition, Equal Justice Works, 2006, *citing* National Association for Law Placement (NALP) 2006 Public Sector and Public Interest Attorney Salary Report.

process protections for the accused, should be short-changed while a new prosecutor or public defender "learns the ropes."

SURVEY OF THE NATION'S PROSECUTORS REGARDING STUDENT LOAN DEBT

In 2005, the National District Attorneys Association's Office of Research and Evaluation and the National Association of Prosecutor Coordinators conducted a national survey of prosecutors on law school student loan debt and the associated issues. Researchers received 2,119 responses from prosecutors all over the country, most of whom graduated from law school between the years 1998 and 2003 and had worked as prosecutors for an average of four years.

Analysis of the survey results revealed that more than 50 percent of the responding chief prosecutors and supervisors had between one and five prosecutors leave their offices in 2005. This may seem like an insignificant number, however, it becomes quite significant when you learn that 64 percent of prosecutors' offices that responded to the survey were comprised of ten or fewer assistant prosecutors. The end result is that attrition was 50 percent or higher in the responding small offices.

In addition, 53 percent of the chief prosecutors reported in the survey that law school student loan debt was a very significant factor in their ability to retain staff and 62 percent of the chief prosecutors reported that student loan debt is a very significant factor in their ability to recruit staff. Chief prosecutors reported on average that low salaries and student loan payments were the causes for nearly a third of the prosecutors who left their offices. Two-thirds of the responding prosecutors advised that law school student loan debt is an important consideration in deciding to become a career prosecutor. More than 55 percent of the respondents reported that they would continue prosecuting for 20 to 30 years if law schools loans were forgiven.

Public defenders are subject to the same difficulties in retaining attorneys. With starting salaries of about $35,000, new defenders cannot afford to repay their student loans. As a result, over a three and a half year period, the Saint Louis, Missouri Public Defender's Office saw 36 attorneys exit their office that employs only 28 defenders.

These unfortunate retention figures signify that inexperienced attorneys are handling cases beyond their capabilities and training. There are numerous criminal cases that are particularly difficult because of the dynamics involved. To name just a few—child abuse, elder neglect, domestic violence, identity theft and public corruption. The stakes are simply too high to allow any attorney other than experienced prosecutors to handle these matters.

A memo from an Assistant District Attorney ("ADA") to a supervisor in Pennsylvania illustrates this very problem, stating:

> "Nearly half of the ADAs in the Major Trials Unit and in the Family Violence and Sexual Assault Unit were hired in 1995 or after. In the Felony Waiver Unit, our most experienced ADA has been in the unit for approximately 4 months, and we have 8 lawyers who have been in the office 15 months or less. For the first time since I have been chief of the Felony Waiver Unit, there is not one lawyer currently assigned here who is ready to try a Major case (one will be ready in another month or so). There is no question that the departure of a significant number of lawyers with 3–5 years experience would have an adverse impact on this office, especially since most of the ADA's in this unit are 6 months or more away from being capable of trying the complex and serious cases in the more advanced units."

Beyond recruitment and retention difficulties caused by the high cost of attending law school and the low salaries paid to local prosecutors, chief prosecutors and supervisors cited other effects in their offices such as increased caseloads per prosecutor, increased costs for training, decreased morale, and increased risk of prosecutorial error.

The questions then become "How can society, in good conscience, ask prosecutors and public defenders to sacrifice so much for so little pay?" How long should they be required to postpone purchasing a home, getting married, starting a family, or buying a car? In some instances prosecutors are sacrificing even more.

Some may be unable to purchase safe housing. Some may be driving unsafe cars because they cannot afford repairs or replacements. Some may even be unable to pay for necessary medical and dental care. Falling behind in their loan payments due to inadequate salaries leads to accrued interest, making the task of paying the debt off even more daunting. Trying to pay off student loan debt may also leave many unable to pay for utilities, food, and clothing. In the end, there is simply no solution to the impending financial disaster except a move to the private sector.

Following are just some of the comments from New York prosecutors made during a student loan survey conducted by the Office of the Queens County District Attorney's Office, Information Services (March 2001),[3] illustrating their dire financial situations:

- "My wife and I live paycheck to paycheck . . ."
- "I can only afford to pay $400 a month ? this payment does not cover the interest. Therefore my balance keeps going up!"
- "I currently have all of my loans in forbearance because of an inability to pay due to inadequate earnings. Forbearance will cause my total indebtedness to increase as interest accrues."
- "I have had to obtain a waitressing job on the weekends to supplement my income."
- ". . . I am forced to choose between paying rent or paying off my loans. I cannot afford to live in an area where I feel safe and pay off my loans at the same time."
- "I had to obtain part-time employment in an effort to make sufficient money to remain an ADA."
- "Please make sure this bill is passed. I?m currently living in poverty."
- "Nearly half of my take home pay goes towards my loans."0
- ". . . I am treading water until I can make more money."

A PROVEN AND SOUND LOAN REPAYMENT ASSISTANCE PROGRAM

The "John R. Justice Prosecutors and Defenders Incentive Act" is modeled after a similar program currently used effectively by many federal agencies as a recruitment and retention tool. The program would allow the repayment of up to $10,000 of student loan debt per year for state and local prosecutors and public defenders with a limit of $60,000 imposed. Because the program requires that a recipient commit to employment for at least three years, the problems with attrition and inexperience will certainly be alleviated. As a career prosecutor and on behalf of the nation's prosecutors, I strongly believe that the "John R. Justice Prosecutors and Defenders Incentive Act" is a wise and urgently needed investment in the integrity of the criminal justice system.

CONCLUSION

I deeply appreciate this opportunity to discuss these important issues with the Committee. I thank you for your time and attention, and I welcome any questions from the Committee.

TESTIMONY OF MARK EPLEY, MARK EPLEY, SENIOR COUNSEL, OFFICE OF THE DEPUTY ATTORNEY GENERAL, UNITED STATES DEPARTMENT OF JUSTICE, WASHINGTON, DC

Mr. EPLEY. Good afternoon, Mr. Chairman, Ranking Member Forbes, distinguished members of the panel. My name is Mark Epley. I work for the deputy attorney general of the United States Department of Justice, and I am glad for the opportunity to speak to you today about violent crime in America and what the department is doing to assist our State and local partners with the prevention and control of crime.

Due in large part to the hard work of State and local law enforcement, in 2005, the crime rate remained near historic lows, according to National Crime Victimization Survey and the FBI's Uniform Crime Report. After rising to an alarming peak in the early to mid-1990's, violent crime in America has fallen precipitously ever since.

Although in 2005, we do observe an increase in violent crime as to murder, robbery, to some extent aggravated assault—rape actually went down—it is important to note that the rate of crime

[3] A Survey of Assistant District Attorney Student Loan Indebtedness in 16 New York State Counties, The Office of the Queens County District Attorney, Information Services, March 2001.

measured in 2005 is the second-lowest ever recorded or reported by the UCR. The lowest recorded was in 2004.

When we look at the crime data, there is no obvious nationwide trend. Rather, what we observe is an increase in certain crimes in certain communities. In general, for example, while the United States experienced a 2.4 percent increase in the rate of homicide, in New England, that increase was 5.3 percent. In the South, it was 0.8 percent. In the West, it was 1.7 percent.

In addition to regional variation, we also see that cities have experienced crime based on their size. Those cities that were a million persons or more barely registered a change at all. As Mr. Forbes mentioned, Los Angeles and New York saw a decrease. Small cites, those 10,000 to 25,000, saw a decrease. But those cities 100,000 to 250,000 saw a measurable increase in violent crime.

What is also not obvious when we look at the data is what the cause or causes of the regional or the localized increases on crime that are observed. To better understand the situation, the Department of Justice visited a number of communities across the country, those both experiencing an increase in crime and those that have seen a decrease, and from these meetings, the department sought to learn from local leaders what works and what their law enforcement challenges are.

One consistent theme we heard is the importance of Federal-local partnership. A specific example that arose was Project Safe Neighborhoods. Through Project Safe Neighborhoods, local law enforcement and prosecutors are able to refer gun crimes to the Federal system for prosecution, and through this partnership, we have doubled the number of gun crime prosecutions over the last 6 years when compared to the preceding 6 years.

Another form of partnership in action is law enforcement task force activity. Some examples of those led by Federal law enforcement include the FBI's Safe Streets Task Forces, the ATF's Violent Crime Impact Teams and the U.S. Marshals' Regional Fugitive Apprehension Task Forces.

Whether partnerships through prosecution or operations, we want to continue to find ways to shore up our relationship with State and local law enforcement. But we appreciate that sometimes cooperation on their part takes resources.

The President's fiscal year 2008 budget request reflects that concern. It seeks $200 million for the Violent Crime Reduction Partnership Initiative. This initiative will make money available to State and local law enforcement task forces to address violent crime in those communities that are having a challenging time, and they are able to fashion a law enforcement solution that is well suited to the problem that they see.

In addition, the department has begun to consolidate certain grant programs in order to ensure effectiveness. The Byrne Public Safety and Protection Program in the President's fiscal year 2008 budget will consolidate the department's most successful State and local law enforcement assistance programs into a single, flexible, competitive grant program. This new approach will help State, local, tribal governments develop programs appropriate to the particular needs of their jurisdictions.

And training will continue to be an important part of helping our State and local partners grow capacity in the face of emerging crime trends.

The Department of Justice is committed to helping our State and local partners prevent and control crime, but we must understand that crime is not evenly distributed across the United States. Rather, some regions, some counties, cities and towns experience more crime than others. One-size-fits-all solutions are not well suited to the crime challenges as we observe them in the field.

By better understanding emerging crime trends and the nature of crime in the United States, we can more effectively partner and more effectively target resources to where they are most needed and we are committed to doing that.

Thank you.

[The prepared statement of Mr. Epley follows:]

PREPARED STATEMENT OF MARK EPLEY

Statement of
Mark Epley
Senior Counsel to the Deputy Attorney General
Department of Justice
Before the
Subcommittee on Crime, Terrorism, and Homeland Security
Committee on the Judiciary
United States House of Representatives
Concerning
H.R. 1700, the "COPS Improvement Act of 2007," H.R. 916, the "John R. Justice Prosecutors and Defenders Incentive Act of 2007," and H.R. 933, the "Witness Security and Protection Act of 2007"
April 24, 2007

Mr. Chairman, Ranking Member Forbes, and Members of the Subcommittee, I am Mark Epley, Senior Counsel to the Deputy Attorney General of the U.S. Department of Justice.

My role as the senior counsel is to advise and assist the Deputy Attorney General in formulating and implementing the Department's budget and to oversee the Department's grant making components, including the Office of Justice Programs (OJP), Community Oriented Policing Services (COPS), and the Office on Violence Against Women (OVW). I am pleased to be here today to discuss crime rates in United States and what the Department is doing to help communities prevent and respond to violent crime.

The Department of Justice uses two programs to measure nationwide crime rates: the National Crime Victimization Survey (NCVS), that measures crimes as experienced by victims, including crimes not reported to police and the FBI's Uniform Crime Report

(UCR) that measures crime reported to police occurring to people, businesses and organizations. Both programs should be viewed as complementary rather than competing measures of crime. The Federal government relies on both programs in order comprehensively to analyze crime. Each program contributes significantly to our understanding of the crime problem in the United States.

Due in large part to the hard work of law enforcement, the most recent data from the 2005 NCVS and UCR revealed that the Nation's crime rates remain near historic lows. After a dramatic rise in violent crime that peaked in the early to mid 1990s, crime rates have been falling precipitously ever since. Although 2005 data revealed slight increases in the number of violent crimes (murder, robbery and, to a lesser extent, aggravated assault), it is important to note that 2005 has the second-lowest rate recorded by the UCR in the past 30 years. Only 2004 had a lower violent crime rate. The overall rate of violent crime reported to the police decreased 39 percent in the 13 years before 2004. In 2005 there was a small uptick of 1 percent.

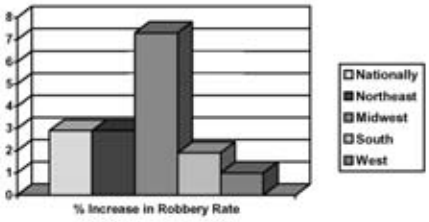
In general the current data do not reveal nationwide trends. Rather, they show increases locally in a number of communities. Observed increases in violent crime are sharpest in medium-sized cities. No change is observed among the largest cities. In addition, the data do not identify any single reason for the observed increases in cities experiencing an upward trend.

For example, while the United States experienced a 2.4% increase in the murder rate in 2005 (to the second-lowest rate ever recorded, identical to the murder rate in 2001 and 2002), the Northeast experienced a 5.3% increase in the murder rate at the same time the South experienced a 0.8% increase and the West experienced a 1.7% increase in the murder rate.

Figure 1: Homicide Statistics by Region

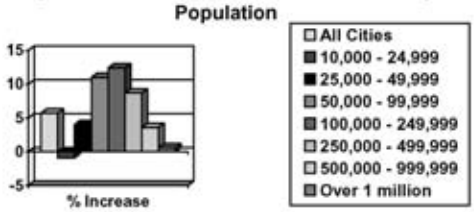
Similarly, while the United States experienced a 2.9% increase in the robbery rate, the Midwest experienced a 7.3% increase in the robbery rate at the same time the Northeast experienced a 2.9% increase, the West a 1.0% increase, and the South a 1.9% increase in the robbery rate.

Figure 2: Robbery Statistics by Region



While cities in the United States — as distinct from rural or suburban areas — experienced a 5.7% increase in the number of homicides in 2005, cities between 100,000 and 249,999 experienced a 12.4% increase and cities between 50,000 and 99,999 experienced an 11% increase, while cities over 1,000,000 experienced a 0.6% increase and cities between 10,000 and 24,999 experienced a decline of 0.9%."

Figure 3: Number of Homicides in Cities, by Population



To better understand this situation, the Department of Justice visited and gathered additional information from a number of regionally-distributed communities observing increases in violent crime and a number of those seeing decreases. From these meetings, the Department is seeking to identify common themes or causal explanations for the crime trends in the specific communities.

As a result of these visits, the Department is developing appropriate policies to respond to law enforcement challenges in the communities visited (and, to the extent

possible, for other communities as well) as well as matching existing program resources with community needs. In other words, we are working with our state and local partners to identify the problems and develop meaningful strategies to reduce and deter that crime.

One such strategy is the Violent Crime Reduction Partnership which was proposed in the President's Fiscal Year (FY) 2008 Budget request. This initiative will help communities address high rates of violent crime by forming and developing effective multi-jurisdictional law enforcement partnerships between local, state, tribal, and federal law enforcement agencies. Through these multi-jurisdictional partnerships, we can disrupt criminal gang, firearm, and drug activities, particularly those with a multi-jurisdictional dimension. Additionally, the Department will target funding to respond to local crime surges it detects in our ongoing research through the NCVS and the UCR.

Training will also be an important component, with agencies throughout the Department focused on resources designed to assist law enforcement. COPS provides training and technical assistance services with a focus on local solutions to common national problems. These resources are delivered through an extensive library of practioner-focused publications, forums and research by leaders in the field of community policing, and training through a national network of regional institutes and other training providers. The focus of training is on current and emerging issues confronting law enforcement and the communities they serve.

Training and Technical Assistance at OJP is the product of an on-going conversation between the program offices and the field to identify best practices and address emerging criminal justice trends. Delivery of such assistance is central to OJP's mission to develop state and local capacity to prevent and control crime.

In addition, the Department has begun to consolidate certain grant programs in order to increase effectiveness. Consolidation will allow state and local governments to identify their own unique needs and apply for assistance that directly addresses them. The discretionary character of some of these programs also allows the federal government to concentrate aid where it is needed most and where it shows the greatest promise of leveraging positive change.

The Byrne Public Safety and Protection Program will consolidate the Department's most successful state and local law enforcement assistance programs into a single, flexible, competitive, discretionary grant program. This new approach will help state, local, and tribal governments develop programs appropriate to the particular needs of their jurisdictions. Through the competitive grant process, we will continue to assist communities in addressing a number of high-priority concerns, such as: 1) reducing violent crime at the local level through the Project Safe Neighborhood initiative; 2) addressing the criminal justice issues surrounding substance abuse through drug courts, residential treatment for prison inmates, prescription drug monitoring programs, methamphetamine enforcement and lab cleanup, and cannabis eradication efforts; 3) promoting and enhancing law enforcement information sharing efforts through

improved and more accurate criminal history records; 4) improving the capacity of State and local law enforcement and justice system personnel to make use of forensic evidence and reducing DNA evidence and analysis backlogs; 5) addressing domestic trafficking in persons; 6) improving and expanding prisoner re-entry initiatives; and 7) improving services to victims of crime to facilitate their participation in the legal process. In addition to state, local, and tribal governments, non-government entities will also be eligible for funding under this program.

The Department of Justice is committed to addressing violent crime. But we must understand that crime is not evenly distributed across the United States. Rather, some regions, counties, cities, and towns experience more crime than others. Further, crime is not evenly distributed across those communities with high crime rates. Rather some neighborhoods experience more crime than others (Washington, DC is a good example). The crime pattern we are now experiencing is one of general stability in our historic national lows with volatile changes in certain communities.

By better understanding emerging crime trends and the nature of crime in the United States, we can more effectively target assistance to areas with the greatest need and allow for adjustments in funding priorities. The multi-purpose grant programs such as the Violent Crime Reduction Initiative and the Byrne Public Safety and Protection Program will provide state, local and tribal governments with increased flexibility in using grant funds to best meet the unique needs of their jurisdictions.

This concludes my statement Mr. Chairman. Thank you again for the opportunity to testify before the Subcommittee on this important subject. I am happy to answer any questions you or other Members may have. Thank you.

Mr. SCOTT. Thank you.
Mr. Monaghan?

TESTIMONY OF JOHN MONAGHAN, CONSULTANT, NEW YORK CITY LAW DEPARTMENT, NEW YORK

Mr. MONAGHAN. Chairman Scott, Ranking Member Forbes, Members of the Subcommittee, thank you for inviting me here today to testify.

As has been mentioned, the FBI crime reports show a 3.7 percent increase in violent crime. In contrast, the city of New York has a 3.1 percent decline in violent crime. In fact, overall crime is down in New York for that time frame 7 percent.

When you realize that the NYPD is the same size roughly as the United States Coast Guard and we police a city of over 8 million people, yet have kept crime down under the national average, we need to look at the management innovations as well as technological ones that have helped us do that.

But, first, before we examine those innovations, I would like to put to rest the notion that there is some overarching socioeconomic shift in society that has caused this sustained decrease in crime. It is policing. It is better policing.

You know, we would be hard-pressed 30 years ago to find a college or an institution that offered criminal justice degrees. Today, you could hardly find one that does not. The entire profession itself has really taken steps forward in recent years. You know, just the criminal justice program at Harvard's Kennedy School is only 25 years old.

In order to sustain this particular innovation in policing, we must continue to respect the profession by duly crediting it with the overall reduction in crime nationwide.

So why is New York ahead of the curve? CompStat, in a word. But there is a lot more to it.

Back in 1988 was the first time a police department in New York City had educational mandates for promotion. We needed 64 credits to become a sergeant, 96 to become a lieutenant, and a bachelor's degree to become an executive officer and the rank of captain.

This laid the groundwork and filled the middle ranks with educated people. For the mid-1990's, there was actually a management revolution within the NYPD. Never before, mid-level managers promoted to the top of the agency. We had one-star chiefs become four-star chiefs overnight. It energized a more educated department, and, you know, CompStat was really just the first manifestation of that revolution.

From that time forward now, CompStat and all the innovations at NYPD have been managed. We have one-star chiefs now with less than 20 years on the job. I mean, that is unheard of in policing. The entire, not just the demographics of the NYPD have changed dramatically, but the attitude of the entire agency. It has become a mantra in government in New York lately that we are going to do more with less, and they really have been in New York. We have less cops now than we had in the past.

So let's talk about CompStat. It really is the greatest innovation in policing in our generation. It has run a course, it has been very

successful, but it does have limitations, and New York does recognize that.

Recently, they started the Real Time Crime Center in order to combat crime while it is occurring.

I will say less about CompStat before the red light goes off, okay.

Before the crime center, cops in the field would get information from witnesses and victims. They would have to go back to the station-house, run the information through whatever database they felt was pertinent to the investigation. This could take days or weeks. It now happens in moments.

In policing, the term rapid deployment had always meant lights and sirens. But now with the crime center, we rapidly deploy information to the field. It is staffed with about two dozen investigators, and it processes in puts from the field and runs them through billions of records.

Just a few months after the center opened, Bronx detectives responded to the abduction of a 4-year-old child that was perpetrated by a babysitter who had been fired. Using only the information available, which was a State identification number, the Real Time Crime Center produced seven names with seven different addresses, three dates of birth and six Social Security numbers, for that one ID number.

Can you imagine how long it would take for human detectives to plow through that information? The Real Time Crime Center did it in moments. The common denominator was found, the child was recovered and the perpetrator arrested in a timely fashion.

The Real Time Crime Center was an $11 million investment. It was funded mostly by the mayor's executive budget, with $1.8 million coming from Federal funds and $1.3 million coming from the New York Police Foundation. Most of America's 10 largest cities have supporting, non-profit foundations that provide funding not found in their city budgets.

But again, with the second largest police department in the country being one-tenth the size of the NYPD, it is unfair to compare resources really. The New York Police Foundation has funded over 400 programs to the tune of $70 million since its inception in 1971.

Another innovation in policing that did not cost local government any funding at all had to do with some high-profile homicides that we had in New York related to some of our trendier nightclubs in past months. You may have heard of them. Since then, the New York City Council has enacted a law that mandates video surveillance in such cabarets as a licensing requirement, and, of course, the police have access to those videos if we need them for investigative purposes.

I am over. Okay. You know what? It is the people. It is the people that man these machines. Otherwise, it is just an electronic tiger.

Thank you.

[The prepared statement of Mr. Monaghan follows:]

PREPARED STATEMENT OF JOHN MONAGHAN

Chairman Scott, Ranking Member Forbes, Members of the Subcommittee, thank you for inviting me here to testify today.

As I'm sure we're all aware the FBI crime reports for the first half of 2006 show a nationwide increase in violent crime of 3.7 percent. In contrast, the City of New

York has recorded a 3.1 percent decline in violent crime for that same period. In fact New York City's overall crime rate, which includes property crimes along with violent crimes, has declined 7.2% in that period.

When you realize that the New York City Police Department is roughly the same size as the United States Coast Guard and they police a city of over eight million and have kept crime down under the national average making New York the safest big city in America, you have to look at their innovations in management and technology.

But first, before we examine those innovations, I'd like to put to rest the notion that some overarching socioeconomic shift is responsible for this sustained decrease in crime. It's better policing. In his new book, "The Great American Crime Decline," Franklin Zimring at UC Berkeley's School of Law attests to the fact that better policing is the real explanation for New York City's success. In fact if there's any demographic-like shift in our society that may account, in part, for the overall brighter picture in crime trends nationwide, it's the evolution of the profession of policing itself. Thirty or more years ago, there were not many colleges or universities that offered classes or degrees in Police Science or Criminal Justice. Today, we'd be hard pressed to find an educational institution that doesn't offer such programs. Even the Criminal Justice Program at Harvard's Kennedy School is only 25 years old.

So, why is New York ahead of the curve? We all know that New York City was the birthplace of CompStat but that was just the beginning. CompStat was merely the first recognizable product of an internal management revolution that took place in the NYPD in the mid-nineties. Never before in the history of that department had mid-level managers been elevated directly to top management positions. Educational mandates were put in place for promotion to Sergeant, Lieutenant and Captain. In fact, the man who designed the CompStat system, the late Jack Maple, was only a Lieutenant when he was promoted directly to Deputy Commissioner to implement the CompStat system citywide. In the wake of those changes the attitude and demographics of the entire police department changed. The CompStat era was ushered in by a younger, more educated generation. This all points to the first management innovation that underlies the NYPD's unprecedented success; a better-educated and highly motivated workforce.

In order to perpetuate this particular innovation, we must continue to respect the profession by duly crediting it with the overall reduction in crime nationwide.

CompStat is the greatest innovation in policing in our generation. One issue you don't normally hear associated with CompStat however is funding. It's a relatively inexpensive idea. The CompStat process has evolved however and has found its limitations. It does achieve accountability of command level managers, directs deployment of resources with pinpoint accuracy and has become a clearinghouse for effective tactics. However, crime statistics by their nature tell of crimes that occurred in the past. In an effort to prevent crime before it occurs or address it while it's occurring, the New York City Police Department has created the Real Time Crime Center. This data warehouse combines cutting-edge technology with good old-fashioned police work.

Before the Crime Center opened, officers in the field used to record facts, bring them back to the station house and manually run them through whichever databases their experience told them were pertinent. This haphazard process that took days or even weeks, is now streamlined and can happen in moments.

In policing, the term rapid deployment has always meant lights and sirens. The Real Time Crime Center now rapidly deploys information at blinding speed. Staffed with about two dozen investigators the center processes inputs from the field and runs them through billions of records. Not only does it access information from 120 million New York City criminal complaints, arrests, and 911 calls, it immediately accesses five million parole and probation files from the State and more than 30 million national crime records. The reconciliation engine that runs the data is an emerging, sophisticated technology that understands the meaning and relationship of terms used in policing and so is not limited to the commands input by the user. The system delivers information in context.

A few months after the center opened, Bronx detectives responded to the abduction of a four-year-old child perpetrated by a former babysitter who had been fired. Using the only information available, a New York State Identification number, the RTCC produced seven names with seven different addresses, three dates of birth and six social security numbers. Each one of these pieces of information produced additional names, addresses and some phone numbers. The RTCC quickly found the common denominator and the child was recovered in a timely fashion and the perpetrator arrested.

That same month detectives responding to a gunpoint robbery received only a generic clothing description along with the description of a tattoo on the gunman's

neck. Using only the description of the tattoo, investigators in the RTCC identified a man with a similar tattoo who had been arrested numerous times in two different jurisdictions within New York State. The detectives received a photograph of the suspected gunman who was then positively identified by the victim through a photo array. This man's criminal records showed several addresses in two different boroughs within New York City. Good old-fashioned detective work combined with this new technology put that gunman in jail within a week.

The Real Time Crime Center was an $11 million dollar investment funded mostly by the Mayor's Executive Budget with $1.8 million coming from federal funds and $1.3 million coming from the New York Police Foundation, an independent, non-profit organization. Most of America's ten largest cities have supporting, non-profit foundations that enhance their effectiveness by providing resources not covered in their city budgets. But again, with the second largest police department in the country being about one-tenth the size of the NYPD, it's difficult to compare resources. The New York Police Foundation, founded in 1971 has funded over 400 programs to the tune of $70 million dollars.

Another innovation in policing New York City not funded by the government has to do with a recent rash of high-profile homicides related to some of the city's trendier nightclubs. The New York City Council just enacted a new law requiring nightclubs operating under certain conditions to install video surveillance equipment as a licensing requirement.

The list of technological advances being applied to policing in New York City goes on and on. From license plate scanning cameras deployed in radio cars to allowing 911 callers to transmit photos taken with their cell phones, policing in New York is keeping pace with technology and streamlining its management style with every new innovation.

All this technology however is just an electronic tiger without a dedicated workforce behind it. It has become a mantra of late in New York City that the government is being called upon 'to do more with less.'

The dedicated men and women in law enforcement in New York City have answered that call. I thank you again for the opportunity to testify here today and I would be happy to answer any questions.

Mr. SCOTT. Thank you, and I thank you for your testimony.

Ms. Harris, I cut you off before you got to say much about the loan program.

Ms. HARRIS. Basically, what we are looking at as State and local prosecutors is that we handle approximately 95 percent of all criminal cases in the country, and we are having a difficult time, frankly, recruiting and retaining eligible and qualified and really, frankly, the best and the brightest attorneys.

It is simply because we cannot pay them enough, and we cannot pay them enough so that they can sustain a quality of life where they can actually afford to rent an apartment and maybe get married and have children and buy a house one day.

We are losing lawyers, and I believe that the John R. Justice Prosecutors and Defenders Incentive Act will help us attract and retain these great lawyers and will help public defenders around the country do the same. The National DA's Association, who I represent on this bill, believes that it is urgent, in fact, that it is passed.

Mr. SCOTT. How much debt do the lawyers show up with?

Ms. HARRIS. On average, we are showing that they have between $50,000 and $80,000 of debt.

Mr. SCOTT. Do you know what the monthly payments are on those stats?

Ms. HARRIS. I do not have that information offhand, no.

Mr. SCOTT. But if they have that kind of debt to start off with, then the lowest salaries become problematic.

Ms. HARRIS. That is correct. And the average salary that we are showing is $44,000 a year for prosecutors in this country versus,

for example, in private firms in Los Angeles, they are starting their attorneys at $160,000 a year.

Mr. SCOTT. Thank you.

Now, on the witness intimidation, we have laws against witness intimidation. Why are they insufficient?

Ms. HARRIS. Well, we have laws against murder, and those are not sufficient. The reality is that we have people who have learned that they can actually benefit from threatening witnesses.

There are the circumstances in the cases that all of these communities will know about when witnesses have been killed, and they will tell that story over and over again as not only justification, but as the reason why they will be reluctant or uncooperative with law enforcement in terms of testifying in a murder case.

Mr. SCOTT. And if the criminal laws are insufficient, then we need to protect. How much does it cost to protect a witness from this kind of intimidation?

Ms. HARRIS. What we do in San Francisco, which is what I believe is being done around the country, is that we relocate witnesses. So, once law enforcement, once the police officer and the homicide detective become aware of the existence of a witness, we talk with them. We find out and do an assessment in terms of their threat situation and their safety, and it is a voluntary program, and they will agree that it is best that they leave the dangerous place and be relocated to a safe place far away from their original home.

Often, we relocate witnesses with their families. Many of our witnesses have young children, and we do not want to have the situation where they are removed from those children for what could be 12 months or 18 months pending the prosecution of the case.

Mr. SCOTT. Now has the witness protection been successful?

Ms. HARRIS. It is successful when the witness cooperates, and that means when the witness who is there voluntarily stays in a safe place, which is why this legislation is significant, because it will give us the ability to put more resources into making that witness feel comfortable in the new place, become situated in the new place, and monitored and supported so that they will not go back to the dangerous place.

Many of the witnesses in these cases have never been outside of the 10-square-block radius of the place where the crime occurred and the place where they grew up, and to then relocate them to a safe suburb, in many cases, is scarier for them than being in a high violence community. So what we have to do is we have to recognize that they have to be transitioned.

Chairman, you could imagine if I said to you that, "You have now witnessed a crime, and I am going to relocate you tomorrow and take you to the middle of"—we do not have Kansas represented here—"Kansas, and you cannot call your old friends, and you are going to have to sit there for 12 months, 18 months while we prosecute that case"—it is more than just relocating them. We need to support them.

Mr. SCOTT. Thank you.

Mr. Epley, you have indicated that you have doubled the number of gun prosecutions. Is that double the number of Federal prosecutions or double the number overall?

Mr. EPLEY. Double the number of Federal gun prosecutions.

Mr. SCOTT. Okay. You indicated there was no national trend, but that trends are going different places. Have you noticed any trends within those trends? What were they doing in the areas where this crime was going down? What were they not doing where the crime was going up? Did you do any studies along those lines?

Mr. EPLEY. Mr. Chairman, the department visited, in addition to talk to social scientists and others, criminologists and so on, 18 cities across the country, as I mentioned, some of which were observing increases in violent crime and others that were seeing decreases, and the experience was almost as varied as the number of cities visited.

In some communities, we saw an increase in aggravated assaults, but a decrease in homicide, so a number of difficult-to-explain combinations of violent crime statistics coming back. Part of the explanation that statisticians that we consulted with and that worked with the department suggested is that it is difficult to measure changes over a single-year period.

Mr. SCOTT. Thank you.

I noticed 1 year they noticed a precipitous decline in murders in the Richmond, Virginia, area, and they, after close study, determined that it was because the medical college of Virginia had a new trauma unit—the same number of shootings, just fewer people were dying.

Mr. Forbes?

Mr. FORBES. Thank you, Mr. Chairman.

Let me again just thank all of you for taking time to be here. I appreciate your expertise. I wish I could sit down with each of you for a period of time and pick your brains. Unfortunately, in the setting we get, it is impossible. There are six of you here; I have 5 minutes. So I have to be curt and short, you know, as much as I can.

Mr. SCOTT. We will have another round.

Mr. FORBES. Okay. The Chairman said we might be able to have another round.

Ms. Robinson, two questions about this violence increase that you talked about. One, have you charted out the crime-prone age population for the last 15 years and have you looked at that as to how that correlates with any of the increases in crime that you were seeing?

Ms. ROBINSON. Certainly, my colleagues at Penn have looked at that.

Mr. FORBES. Have you looked at that?

Ms. ROBINSON. I am not personally a statistician, but my colleagues who are have looked at that, and it would definitely be the 18-to 25-year-old range.

Mr. FORBES. Well, again, forgive me for being short. I would normally like to say please take all the time you want.

Ms. ROBINSON. Of course.

Mr. FORBES. But one of the things that we have tracked over the years is we tried to watch when that crime age population bounces up and down. Sometimes those trends go right with it.

My question that I would like to get at—and get back with us if you can or talk to some of your friends about it—is whether or

not there has been any tick up in the crime-prone age population in the last few years or whether it has been decreased. Because sometimes that gives us a snapshot of crime.

The other thing is testimony that we have had before this Subcommittee before has almost been across the board saying that the increase in violent crime has been related to gang activity, an increase in gang activity.

The mayor talked about gang activity, and all of Ms. Harris's testimony, which I have read—all of your analogies and examples were gang activity.

Would you agree with that, that one of the big increases that we have has been in relationship to gang activity across the country?

Ms. ROBINSON. I would agree with Mark Epley that it actually varies greatly from jurisdiction to jurisdiction. In some jurisdictions, yes, it is related to gangs, but, in many jurisdictions, it is not.

For example, in Philadelphia, which I am very familiar with, it is not related to gangs. It is related to very young teenagers or mid-teenagers, and it is frequently youth involved in revenge-type violence.

Mr. FORBES. And let me talk about revenge-type violence.

I want to get to Ms. Harris before my time runs out.

Chief, are you here today in your capacity as individually or on behalf of chiefs across the country?

Mr. MONAGHAN. I am here today for IACP, representing the chiefs across the country.

Mr. FORBES. Have you looked, then, at the areas where you have seen this uptick in violent crime, and can you tell me the situations on any of those areas where there has been this uptick in crime, has there been a decrease in the number of police officers on the streets?

I am talking about just money coming from Federal Government. Has there been a decrease in police officers?

Chief MOSCA. I cannot make that correlation exactly, but I would like to say that crime necessarily is not from gangs. Most of the departments in this country are smaller departments, departments of under 25 people. And while we talk about effective law enforcement programs from some of the larger cities, and my colleague talked about CrimeStat, some of his New York colleagues have gone across the country, used CrimeStat, and they have really displaced crime to a number of the smaller, less well-equipped communities to deal with. So we have seen an increase in violent and major crime, while some of those urban areas may have seen a decrease.

Mr. FORBES. I think his testimony is that it has been smart policing and effective policing that has been very effective in New York, not necessarily always in the quantity, but in how they do it.

Ms. Harris, my time is almost out. I want to, first of all, brag about you. As I look at your bio, since you have been in, there has been a 26 percent increase in felony trial conviction rates, 40 percent increase in the number of violent offenders sent to prison, all of which I compliment you on—also, double the trial conviction rate for felonies.

The reason I say that is because in your testimony, you also say, "The witness relocation protection programs are law enforcement's primary tool to respond to witness intimidate." As I mentioned at the outset, when we were in New Orleans, we heard a whole different story, not that witness relocation was not important.

But I would ask you, first of all, to think about and give me when I get back a few minutes from now, how many people, if we could give you a blank check, would you relocate in a given year if you had that opportunity?

And then I come back to what they told us in New Orleans. They said the thing that was problematic for them were two situations. One is that because they had such a low conviction rate and because the judges were not doing anything to these criminals, they were going back out on the street.

We had a minister that came in from one of the local churches, Mr. Rafael, and he said, "How can I get my community to come in and testify, how can I get my police officers to come in and arrest these people and testify, when they know that those criminals are going to be back on the street before they get home from the courthouse?"

But the second thing he talked about was something that I think really is important in our country, and I do not know how we get our hands around it, but he said one of the big things in witnesses was a culture. He said he did not know how to break through it, but he said he was trying. He said if he were shot in his neighborhood by a White policeman, he said witnesses would come out of the woodwork. He said, but if he was shot by somebody in the community to him, he said they could not get witnesses to come out.

And a lot of the people in that neighborhood do not want to relocate somewhere else, you know, but they are not coming forward and testifying because they do not see anything happening to the people they are testifying against.

And so, if I get a chance in just a minute when I come back—oh, do you mind? Okay.

The question I would ask for you is this: Have you had any impact based on the conviction rate that you have increased, in terms of people being more willing then to come in and testify because you have been very successful in putting people behind bars?

Ms. HARRIS. It is a great question, and I think it begs the point that we have to look at these issues not through a plate-glass window but through a prism, because there are many aspects that really need to be addressed all at once.

I think the COPS legislation, for example, addresses some of the point that you are raising, which is underlying the intimidation and reluctance issue, in addition to fear, is also this trust of law enforcement by many of these communities, and so we have to, as law enforcement, also do a better job, frankly, in being present in those communities in a way that they trust us and that they will report crime believing they will be treated with dignity and respect and due process.

I think it is also a matter of showing the community that there are consequences when they do come forward, which means conviction, and that is a function also of having the local press and the

communications chains get that information to communities that consequences are occurring.

It is also the issue of rallying the natural partners of law enforcement in the community. For example, in San Francisco, when that witness was killed, I rallied our faith-based community, brought them together in an interfaith community, and basically said, "Listen, I need your help. In the church or the synagogue or wherever it is you pray, I need you to talk with your congregation about the fact that we need to support these folks who come forward and participate with law enforcement," and we have to do it from the community as well as from law enforcement.

So I think there are many ways that we can address this, but they will have to be coordinated and worked through a collaborative perspective, understanding that it is not just one area that is the problem.

Mr. FORBES. Thank you.

Mr. SCOTT. Thank you.

Mr. Weiner?

Mr. WEINER. Thank you, Mr. Chairman, and I thank you for permitting the gentleman from Virginia to go a little bit longer. I would not have any objection if we wanted to do a couple more rounds because these are important witnesses who have waited for a while.

Mr. Epley, I am curious about something you did continually through your testimony. You kept referring to 2005. Are you aware that 2006 FBI data is available?

Mr. EPLEY. Congressman, the preliminary UCR data for 2006 that covers the period January to June is available, yes.

Mr. WEINER. Why don't you tell us a little bit about that? Does that show violent crime up?

Mr. EPLEY. Well, as you know, the preliminary data measures the absolute number of violent crimes reported by those agencies reporting.

Mr. WEINER. I understand. The data you referred to in 2005 was that same data set, was it not, just for a different year?

Mr. EPLEY. No, the 2005 that I referred to refers to all police departments that report.

Mr. WEINER. Well, actually, let me just say the FBI data, the agency that you are here representing, shows that violent crime was up in 2006, and I do not want the impression to be left that there was some ambiguity because you referred to data from 2005.

There is an organization, as you know, I am sure you are familiar with, that did a study of the change in crime, violent crime, in America for the period 2005 and 2006. I am going to tell you what they found in the 56 reporting jurisdictions. You are familiar with the organization, I am sure. It is the Police Executive Research Forum, a very respected, bipartisan, non-partisan organization.

Mr. EPLEY. Yes, I am.

Mr. WEINER. This is what they reported as going on between 2005 and 2006. Twenty-eight out of 56 departments experienced an increase in homicide. Forty-two out of 56 departments, 75 percent, saw an increase in robbery. Aggravated assault with a firearm is up in 45 percent of the different precincts. In the number of police

departments with an increase in violent crime overall, homicide was up in 71 percent in the years 2004 and 2006.

Mr. Mayor, does that reflect your experience that crime is creeping back up?

Mayor PALMER. Absolutely, and it is something that all of us are involved with.

It is not a cookie-cutter approach. Different cities have different things that are going on. Like the professor said, in Philadelphia, I do not even know how high the homicide rate would be if they had actual gangs there because we found that you have more homicides when you have gangs involved, and so that is something that is very troubling.

As well, something was mentioned about the aging. There is no cookie-cutter approach to age either. We have done surveys, and it depends on where a person is when they are incarcerated. In Newark, for example, when they surveyed individuals who were getting shot, who were getting murdered, they found that these individuals were older.

They were older because when they did more research, these individuals had just gotten out of jail after being in jail 5 of 6 years. They were older. They have come back to the neighborhoods where they once ruled and see younger people in their spot, and then you have those kinds of things.

Mr. WEINER. Well, let me just say, you know, one of the ways that we have had arguments about the efficacy of the COPS program—and this goes back to testimony in this Committee in 2004—was people throw up the dust and say, "There are so many variables, we cannot possibly help with this problem."

So a couple of organizations have actually looked at this exact question, which is what contributes to the reduction in crime that we have seen, and the GAO was one of them. The GAO came back with a report that said that the COPS program contributed to about 7 percent of the 32 percent decline in violent crime from 1993 to 2000.

The University of Nebraska did a study that went into even more detail, and here is what they found. They found in cities with populations greater than 10,000, an increase of $1 of hiring grants, what we are talking about on the COPS program—the hiring grants, Mr. Epley, that your administration has eliminated, made zero—per resident contributes to a corresponding decline of 11 violent crimes and 28 property crimes per 100,000 residents.

What they essentially did is they went back and, as an academic institution, they took out variables and tried to figure out where you put money for hiring, whether it contributes to a reduction in crime. One of the things that is good about the COPS program is that the COPS program has been about as democratic—with a small D—program as you can imagine, if you look at the distribution of police around Democratic areas, Republican places.

Oklahoma got 10,054 cops under the COPS program. Let me show you what they got last year under the Bush administration's hiring proposal. This is an easier one to read. You do not need to look that hard for Oklahoma. It is right here, O as in Oklahoma.

I would ask: Are there any members of the panel, any of you—and you can answer with a show of hands—that believe the resi-

dents of Oklahoma are safer because they have 1,000 fewer cops from the Federal Government on the payroll? Does anyone think that they are safer because of that?

Mr. Epley, do you want to take a stab at that? Do you think they are safer?

Mr. EPLEY. Congressman, the department has not thrown up its hands in the face of the disparate effect that we are observing of crime across the country.

Mr. WEINER. Disparate effect? Is that your way of describing a violent crime rate that has risen about 4 percent in 2006? Is that the disparate effect you are talking about?

Mr. EPLEY. Congressman, the 2006 data is not a crime rate. The 2005 data that I referred to is a crime rate. What it does is it adjusts for population.

Mr. WEINER. Mr. Epley, let me ask you another question. One of the things that you referred to was how you have taken block grant programs, and I think you said to make them more efficient, you have combined them into one.

When you take the aggregate amount of those grant programs, what was the amount and the combined efficient grant amount that was in the last budget proposal that you suggested?

Tell me what the amount was when you aggregate all the different ones and you make it more efficient and put it into one grant program. Can you tell me what the overall numbers were when you went from one method to another?

Mr. EPLEY. I think that last year, the President's budget request for State and local law enforcement and criminal justice assistance was approximately $1.2 billion, and this year, fiscal year 2008, the number is about the same.

Mr. WEINER. What I am asking you is not just the JAG program. I am saying when you combine Byrne, the Byrne discretionary, the Byrne formula, the criminal justice block grant—you say you have combined them into one block grant program—isn't it true that you reduced the overall amount by about 20 percent?

Mr. EPLEY. The Byrne Public Safety and Protection program that I mentioned requested by the President's 2008 budget—what it actually does—combines some of the most successful programs the department's administered, for example, Weed and Seed.

Mr. WEINER. Understood. I am saying it combines them, and I am asking you a mathematical question now.

Mr. EPLEY. Right.

Mr. WEINER. When you combined the various programs into one program, isn't it true that you reduced the overall pot of funding going to the agencies that these folks represent?

Mr. EPLEY. I think in the aggregate, like I mentioned, the President's request in 2007 is just about the same as it is in 2008.

Mr. WEINER. Can I ask you one final question? And perhaps I will have a second round.

You are here on behalf of the Administration. This bill has been out there kicking around for some years now. It was part of the reauthorization of your agency that was passed, I think, 2 years ago in a bipartisan support.

What is the Administration's position on the reauthorization of the COPS program and a reinvigoration of the COPS hiring component? Are you all for it or against it?

Mr. EPLEY. Congressman, the department does not have formal views on this bill.

Mr. WEINER. I see.

Thank you, Mr. Chairman.

Mr. SCOTT. Thank you.

The gentleman from North Carolina, former Chairman of the Subcommittee, Mr. Coble.

Mr. COBLE. Thank you, Mr. Chairman. I apologize for my delay in arrival, Mr. Chairman. I had two other meetings I had to attend.

I appreciate you all being here.

Mr. Epley, is there a direct correlation between decreased funding of Federal law enforcement programs and the increase in violent crime in the first 6 months of last year?

Mr. EPLEY. Congressman, when you look back over not just the last 6 months, but even the last 10 years, it is difficult to see a powerful correlation between Federal spending on police protection and the crime rate.

When we look back over time, we see that in the years 1999 and 2003, the Federal contribution to police protection amounted to about 4.5 percent of all money spent on police protection in America. Right now, that number is approximately 2.5 percent, 2.3 percent. Over the same time, the same period of time, we saw the violent crime rate steadily going down.

All I mean to suggest is that when you look at both the spending numbers, the Federal contribution to police protection and the crime rate, you do not see a powerful correlation. At the same time, Congressman, what we see is that State and local police protection spending has gone up over time every year for which we have collected that data, the most recent year being 2004.

Mr. COBLE. Well, I am going to have to move along, if you could wrap up, because I have two other questions I want to put out.

Mr. EPLEY. My only point being that State and localities have spent money on police protection to keep pace with the crime challenges they have faced in large measure.

Mr. COBLE. I thank you, sir.

Mr. Mayor, let me ask you this question to extend that line of thought. If you know, are cities appropriating fewer dollars for law enforcement in expectation of Federal monies forthcoming?

Mayor PALMER. No, sir. We cannot afford to do that. Our citizens need safety. We have to spend whatever we have to spend, stretching our budgets, taking monies from other places because we are not going to sacrifice the safety of our residents. So we have to spend what we have to spend.

Mr. COBLE. Okay. Thank you, sir.

Professor, I agree with you that we need to be investing in evidence-based approaches that can actually help reduce crime and stop funding programs that simply do not work, even when they may have great popular appeal. Let me put a two-pronged question to you, Professor.

How can the Federal Government help identify the programs that do, in fact, work, A; and B, does the COPS program currently

assess the effectiveness of a program prior to issuing a grant, if you know?

Ms. ROBINSON. Those are good questions.

On the first, Congressman, Congress needs to be investing more money in evaluation of programs. Right now, the National Institute of Justice, which is the research arm of the Justice Department, has had a stagnant-level budget for 10 years. It spends about $12 million a year on research and evaluation. That is a drop in the bucket, as you know, in the Federal budget.

That number needs to be increased, and my recommendation would be that it be a percentage off the top of OJP and COPS budgets, 1 percent, for example, which is something you could do in an authorization bill, to assess, evaluate the program.

And in answer to your second question, back when the COPS program was established, when the COPS crime bill was passed in 1994, the appropriators allowed the Justice Department to take a percentage informally off the top of the program to transfer to NIJ for that purpose.

Once that informal arrangement passed, I do not think that the COPS program has had the ability to take money to do that kind of evaluation. I would strongly recommend amending your legislation to allow for that kind of evaluation.

Mr. COBLE. I thank you, Professor.

Mr. Chairman, I yield back the balance of my time, Mr. Chairman, before the red light appeared. [Laughter.]

Mr. SCOTT. Thank you, Mr. Coble. You are the only one.

We are scheduled to have a markup immediately after this hearing, so, as people are gathering, we will have another round.

I was going to ask Ms. Robinson what research there has been so far on the COPS program. You said there had not been enough, but has there been any research to show that it works?

Ms. ROBINSON. The congressman over here had cited some of that. There has been some other research that has looked at the overall program, but there certainly have been a number of studies that have looked at specific innovations, for example problem-oriented policing.

This morning, we had a symposium, in fact, that looked at a number of studies that have evaluated and found very promising and effective some of those programs. But it is very difficult to evaluate a large multi-program initiative of that kind, but, yes, there have been others.

Mr. SCOTT. Mayor Palmer, you indicated that you get results from the COPS program. Can you talk about some of the results that you have seen?

Mayor PALMER. Absolutely. Referring to the congressman's question, mayors are spending what they have to spend, but, quite frankly, it is taking away from other efforts that we are doing, and it certainly is hurting us.

With additional police officers, even with the great technology and education that we are doing and with CompStat, we still see that when you have more police officers that are used in a targeted way, it helps reduce crime. It puts more eyes in your community, and it helps us also deal with domestic terrorism as well.

Mr. SCOTT. Chief Mosca, when you hire police with the COPS money, there was an expectation that they would stay on board after they have been hired. What happens after they have been hired with Federal money? Do they kind of drift away after the money dries up?

Chief MOSCA. In our experience, our programs were extremely successful, and they actually sold themselves to the community, and they were continued. As you may know, Congressman, there was a percentage decrease in the amount of money yearly, and the municipality provided for those funds and we kept the police officers. We have extremely effective programs within our school system simply because of the COPS program.

Our community would not have been in a position to fund an experimental program, if you would, for several years to see if it was going to work because that amount of money would have been extremely important because in a small community, just like the mayor's, they are dealing with highways and recreation and education and all the other things that a municipality has to deal with.

So, while money may have been going up for law enforcement, it was money just to keep pace with what we needed because of salary increases and so forth. But our COPS program was fully kept by our community.

If I may, one of the suggestions I might have, should this be reauthorized and personnel actually come out of it, is that Congress look at a mechanism to assist the community in keeping a police officer for more than the 3 years.

In other words, you have funded it for 3 years. I would say you might look at 5 or 6 years with decreasing amounts of money because municipalities, faced with all their other problems, are reluctant to get into a new program knowing they are going to have to buy it in 3 years.

So I think you could assist us, if you are able to do that, and that would be a great help to us.

Mr. SCOTT. Thank you.

Mr. Forbes?

Mr. FORBES. Chief, and I do not ask you this to catch you in it, but I ask you seriously: Have you read the legislation on this bill that is before us today, just looked over it?

Chief MOSCA. I have not read it personally.

Mr. FORBES. That is okay. Let me just tell you something. If there was a provision in there that said the money could be used for technology instead of hiring more police officers, would you be opposed to that?

Chief MOSCA. I would obviously take the technology. But I am saying, given a choice between technology and personnel, I would take the personnel. I would hope to be able to get both.

Mr. FORBES. Okay. Well, everybody does even when we come in here.

But, Mr. Monaghan, that is not what New York did. I mean, as I understand reading your testimony, they said it is not sheer numbers, it is not just education, but we need to be smarter about what we do and how we do it.

How did you determine, how did you select the programs that you need? How did you come up with the things that have appar-

ently worked? And the proof is in the pudding in New York compared to other cities. How did you come up with that mix?

Mr. MONAGHAN. Well, one issue you do not normally hear associated with CompStat is funding. It is a relatively inexpensive idea. You used the word "culture" earlier. It is just an overall management idea.

Where it came from was a basement office underneath the New York City subway system. Many years ago, there was a man named Jack Maple. It goes in line with the educational and the advancement changes in NYPD. Jack Maple was a lieutenant in a little office underneath the subway in the transit police.

Years before, when Commissioner Bratton first came to New York, he came as the commissioner of the transit police department first, made a lot of changes there, left and then came back as the police commissioner for New York City.

One thing he was very astute at, Mr. Bratton, was personnel assessment, and he had heard about this lieutenant down in this office, and he went down and saw him, and his office was covered with maps of the entire system, little pins, and this is where CompStat started. This man had the entire city mapped out and was concentrating on robberies crime by crime.

When Commissioner Bratton came back the second time to be the commissioner for the entire city, he took that lieutenant and made him a deputy commissioner in order to implement CompStat citywide. So it all came from within.

And, you know, I cannot speak for the people of Oklahoma, but we have less cops in New York now than we have had in recent years, and I was just told today if we had COPS funding the hiring of cops at least 5 years out—our head count is lower now than it had been——

Mr. FORBES. Well, the reason I ask that question is because I do not think the chief could tell us today the magical number of cops you need to have in any particular locality in the country.

And one of the things that I looked at in your testimony is you emphasized the importance of the database that you had and how important that database was. Can you tell us just very quickly about the database?

Mr. MONAGHAN. Oh, yes. You know, I said to you could you imagine how long it would take two detectives to run down those leads, six dates of birth, six Social Security numbers off of one ID number. That would have taken a team of people a couple of weeks to run down.

Mr. FORBES. So it would be better to have the database and maybe even fewer officers because we have had some chiefs that have come in here and said exactly the opposite of what the chief said. They said, "We do not need to hire more police officers. What we need is more technology so that we can have a smarter operation and more effective policing than what we have today." Would you disagree with the request that they had made at that particular time?

Mr. MONAGHAN. No, like you said—I was just talking to the department's legislative representative here today—we have less cops, we have more technology, and we are more efficient. We have a lower crime rate.

Mr. FORBES. And you have a lower crime rate.

Mr. MONAGHAN. Yes.

Mr. FORBES. And yet, if that were the case, I could hold up a chart here today that would say, "You have zero more cops, or you had less cops, actually"—I could put that chart up—"but your crime rate is still falling because you have been smart at how you have used the policing of the police officers that you have." Fair statement?

Mr. MONAGHAN. Right.

Mr. FORBES. Good.

Thank you, Mr. Chairman.

Mr. SCOTT. The gentleman from New York?

Mr. WEINER. Thank you.

There has been evidence today that the gentleman from Virginia has not read the bill. Technology is permitted under the COPS program only if it can be demonstrated to the COPS Office that buying that technology allows you to take a police officer——

Mr. FORBES. Mr. Chairman? Mr. Chairman?

Will the gentleman yield?

Mr. WEINER. Certainly.

Mr. FORBES. Can you tell me what statement that I made that suggested that I did not read the bill because you are prone sometimes to kind of make those statements and accusations against members?

Mr. WEINER. Certainly, you suggested——

Mr. FORBES. No, I asked a question as to whether or not——

Mr. WEINER. The gentleman asked a question on my time, and now I am answering it.

Mr. SCOTT. The record will reflect that my colleague from Virginia has read the bill, and we can proceed.

Mr. WEINER. Certainly.

The fact of the matter is, lest the record be left with the impression that technology or manpower is a choice, that is not the case. What the COPS program does is allow police departments to invest in technology that they can show to the COPS Office allows them to put an additional police officer out on the beat.

That is part of the flexibility that is built into the bill at the request of my colleagues at the other side who said, "We wanted more flexibility." And it was a fair beef, it was a fair concern, that there is more to policing than just manpower.

For example, if you can put a Sprint terminal in a police officer's car that allows them to do less time at their desk and more time out patrolling the street, we give them credit for hiring another police officer and we fund that under the COPS program. It is one of the most successful elements of the program. It is a very flexible bill. It is one of the things we did to improve the bill.

And finally, I think the gentleman from North Carolina in the context of the question—and the gentleman from Virginia did something similar—implied that—and, frankly, the gentleman from the Administration did this, too—it is so mysterious. How did these crimes fall?

Well, it is not mysterious to GAO, it is not mysterious to the University of Nebraska, it is not mysterious to the Urban Institute, it is not mysterious to Yale University, and it is not mysterious to the

report done by the Police Executive Research Forum, nor is it mysterious to the dozens of organizations, including many in Virginia, who say the COPS program has worked. This has been studied and studied and studied and studied and studied.

This notion that if you just toss up all the variables that go into the rise or reduction in crime, you can somehow then argue against us doing anything comes back to a fundamental binary misconception that some of my colleagues have. The real choice is: Does the Federal Government help with local law enforcement? That is the question.

If you believe the answer is yes, like so many Americans believe, like so many police chiefs believe, then you support a program like the COPS program. In fact, the Administration, who testifies here today, and my colleagues who ran this institution and this country for so many years, they had a different argument. They said, "What we are going to do is keep zeroing out programs, renaming them and reducing the aggregate amount." The final analysis is that COPS, in 1995, put $1,056,980,000 into hiring; in 2006, zero.

Now if there is anyone in this room who believes that when you take out the Federal role of over $1 billion in hiring police officers and make it zero, you are safer, then I have to tell you we are even more detached from reality here in Washington than I thought. It is entirely intuitive to believe that you could hire a police officer but do not train him or do not have a court or do not have a prosecutor, it is not going to have as good an impact. But, undoubtedly, the number of police officers rising is a good thing. Every report that I just quoted says it.

And I am a little bit concerned the final question might have been misunderstood. The CompStat program was very beneficial, but the fact of the matter is that people of the city of New York decided to tax themselves in the mid-1990's to hire additional police officers.

There is a direct correlation between that and the crime coming down, and it is the ultimate in irony that the same people who beat their chest on the floor saying, "We need more cops in Iraq to get this problem under control," now argue that you need fewer cops on the beat in Virginia, in Maryland, in New York, in Oregon, in California to do the same thing.

The COPS program has been a success. That is why police departments throughout this country in tiny Republican towns, big urban areas, have said, "Please, Congress, do not reauthorize this. Reverse the cuts the Bush administration has done, and get us back in the business," and to hear my colleagues state it, I can only assume they believe that law enforcement at the end of the day, anti-terrorism at the end of the day, everyone is on their own.

Well, some of us believe that is not right. Some of us believe that Congress made an important step in 1994 when we said we are going to get off the sidelines and we are going to get into the game, and if any of you want a sense of deja vu, just take a look at the transcript of the floor debate in 1994 when this was considered.

The names are a little bit changed. It is the exact same stuff: "You cannot believe what you read," "The problem with crime is that we are not doing enough in the homes," et cetera, et cetera,

and then the COPS program passed, crime went down, and that is where we are today trying to reauthorize that program.

I yield back my time.

Mr. SCOTT. I thank the gentleman.

Does the gentlelady from Texas have questions? The gentlelady from Texas.

Ms. JACKSON LEE. Thank you very much, Mr. Chairman.

Many times, one would say ditto, but there are too many important witnesses here for me to ignore your expertise. First of all, let me thank you for your presence here today.

And let me thank the Chairman.

There are multiple hearings and markups that are going on, but I took rollerskates to try and make it here today because I believe there are some important elements that need to be raised.

First of all, let me immediately put a dash or a hammer on any issue of cost on any of these programs. For the record, let me acknowledge, though I do not advocate for it, there's $275 million being spent in Iraq today per day. That comes out to about $11 million, Mayor, an hour. I do not know if you had $11 million, how much you could do for your fine city.

I come from Houston, Texas, where I had the opportunity to work with the father of community-oriented policing, then Chief Lee P. Brown, and I am gratified to have been one of his strong supporters for him to become Mayor Lee P. Brown. What an interesting time period that we lived in.

We could document the measurement of crime going down, one, giving police officers a degree of flexibility, but, two, getting them to know the guys and gals on the block, the bad guys and the good guys. So you did not go into a neighborhood completely blind, you already knew where the bad guys were.

For example, I was in my congressional district visiting an elderly person; a bunch of folk across the street, loud talking, phones going, profanity going, "I will kill you." All of a sudden, they get in a car and speed off. I was looking to see them on the late night news. Community-oriented policing means that somebody knew what would be around or knew who those guys were.

It is a disgrace what we have done to community-oriented policing and the COPS program in particular, and so let me focus my questions on the necessity of bringing back where we were before.

My city is seeing an enormous increase in crime, and it is not the blame of the Katrina survivors. I make it a habit of stopping my law enforcement. I am a former member of the Houston city council, so I am used to talking to the men and women in blue or orange or whatever colors they are wearing, and I am not talking about orange incarcerated jail uniforms. We have a variety of colors in the State of Texas. But I asked them. There is a frustration. There is not enough. They do not have enough to be on the street. They are not on the beat.

So, Mayor, let me ask this question. The bell is ringing. So let me ask you this question.

And I want to welcome Reverend Daniels and Mike, and I will be with them in just a moment.

Let me ask you the question on just, if you could just stay on this, Cops on the Beat. This latitude, this using of this money so

that cities can get to the core of their crime problem by using more officers in a variety of ways, is that helpful and constructive in what we are dealing with today?

Mayor PALMER. Absolutely. And mayors across the country want flexibility. We want to be able to say how we can use the money most effectively, whether it is in technology, whether it is putting more police officers on the streets, but it is definitely needed.

And everything that your colleague from New York just said and others, it is just ditto to that as well. We need more resources, more police, and if we can make sure that we are trying to put soldiers and police in Iraq, I do not know why we cannot have it right here at home in the good old USA.

Ms. JACKSON LEE. And the diminishing dollars did not help you. The cuts were not helpful.

Mayor PALMER. They were hurtful, and you have to take from other areas because you are going to have to do what you have to do to make your city safe. It cuts across the board, and you begin to take away from other vital services that also increased—poverty, which increases, drugs, crime—and it is a vicious cycle.

Ms. JACKSON LEE. And there is something about knowledge, if you know where the guys are, if you know where they are, if the cops have the relationship.

Chief, would you quickly answer? Because I do want to get to the district attorney. I welcome her, and I am not ignoring others, but my time is moving quickly.

You are from a small city, and the one thing I liked about Cops on the Beat—I was here starting in 1995. The past Administration had this idea—is small cities are included as well. Is it a vital part of your staffing issues?

Chief MOSCA. Thank God you asked that question, Congresswoman. Not to be lost in what the urban problems are and the successes of CrimeStat, in reference to the congressman's question, smarter policing does occur in small communities, and we have a CompStat. We know our communities. We have a department of 20-some-odd police officers. We know what our crime rate is. We know what the crime is. We meet on it. We react to it daily. It is no different than CrimeStat, but they are dealing with 8 million people; we are dealing with 12,000.

Ms. JACKSON LEE. You can make a difference.

Chief MOSCA. And so it absolutely makes a difference. It allows us an opportunity to try a program that has been researched. We put it into play, and we can watch it be successful. If, God forbid, it is a failure, we end it.

But those programs have all been successful. They have been well thought out and the majority of law enforcement agencies in this country, over 85 percent of them, are small communities, small departments.

So you cannot get lost in your dialogue in discussing just urban major cities. You have to think about the vast majority of law enforcement throughout the country, which is community policemen, community policing oriented. It always has been. We just did not know it.

Mr. SCOTT. The gentlelady's time has expired.

The gentlelady from California?

Ms. JACKSON LEE. Thank you.

Ms. WATERS. Thank you very much, Mr. Chairman.

I decided to serve on this Subcommittee because I truly want to understand what can be done to reduce the crime in our cities and in our towns. We are not talking about gangs today, but the gang problem is an absolute serious problem all across this country, and the crimes are being committed mostly by these young people in our communities. So I am really interested in solutions, and I know that lock-them-up-and-throw-the-key-away does not work, but I do not know what does work.

So I am very pleased that we have our district attorney from California here today, District Attorney Kamala Harris, talking about community policing and community prosecution. I want to understand a little bit more about how it works.

I know that you have been discussing this phenomenon of witnesses not coming forth and being called snitching and how prominent that has gotten according to some of your testimony here. They are wearing tee-shirts——

Ms. HARRIS. That is correct.

Ms. WATERS [continuing]. Into courtrooms, and even mothers of some of the children who may have committed crimes are wearing tee-shirts to stop the snitching. That is really, really, really scary and off the hook.

But I am glad that you are here. It is good to see you. And I am appreciative for the leadership that you are providing.

Help me to understand a little bit about community prosecution and policing.

Ms. HARRIS. Thank you, Congresswoman, and for your leadership in California.

This issue is addressed in the COPS bill, which is that there should be support for the idea that prosecutors have the ability through engagement with the community and outreach to do the work of not only, again, encouraging witnesses to come forward, but having a presence in those communities to perhaps prevent crime from happening in the first place.

So some of the work we are doing in San Francisco—and I know is being done throughout California—involves creating, for example, a DA liaison program. So I have lawyers in my office who actually have volunteered to be representatives to each of our police district stations and go out in the community and be known to be the representative for that area and to take information and attend community meetings. So that is some of the work we have done.

Another effort that we have made is to work with community-based organizations around, for example, domestic violence or child abuse, and encourage them. when there are cases happening in the courthouses, to attend and to be able to present and vocal and, in that way, feel connected to what is happening in our courts.

We have also worked with community leadership around immediate response to crime when it happens. Often, when violent crime happens, everyone in the neighborhood is there or will turn out, and there is a lot of work that needs to be done not only in terms of investigation of the crime, but also in terms of de-escalation. Certainly, police officers make that attempt and do a good job, but

if we are doing it with also partnership from prosecutors and community-based leaders, we find that we are being more effective.

So that is some of the work that we have been doing that I believe is making a difference in terms of, again, being present in these communities. I often go out myself on Saturday mornings into various communities and hold what we call information fairs, and I invite the chief of police and others. We give in the community center information about the work that we can do not only protecting witnesses, but also giving services in terms of counseling and support and helping them in terms of other areas of their lives that are impacted by the crime that happens in their community.

Ms. WATERS. I was in the Tallahassee area just yesterday, and I was in two little cities—one is Quincy, and the other one is Havana—and I had someone trying to explain to me a program that they have. It is like intervention where a young person commits a crime, and I guess maybe it is a non-violent crime, I do not know, but they like give them a ticket of some kind, and then they have to report on an ongoing basis.

It is not probation. The first time I guess this person interacts with the criminal justice system. They have something that they do to have them report back, and I think they have requirements that they have to meet, and this is designed to deter them from the criminal justice system, not give them a record. They do not get a record for that crime that they committed. So it is probably a non-violent crime.

Have you heard of a program like that?

Ms. HARRIS. We have something similar which we call community courts, and it is based on basically a village model, the belief that crime that occurs in communities that is non-violent crime that happens to be crime that is a nuisance to that community can be handled often by the elders in that community, the people who are the leaders in that community.

So we will refer cases to these community courts that are set up as basically a tribunal of leadership from the various neighborhoods, and they review the case, and then they mete out the sentence that is appropriate and consistent with the mores of that community.

So, for example, we have a number of cases that involve small storeowners selling alcohol to minors, which, of course, creates a big problem for those communities, and so the sentence, if you will, may involve and include not only a fine, but also that that offender be involved in activities that involve the youth in that neighborhood.

So that is some of the work that is happening, community courts.

Ms. WATERS. Thank you very much. It sounds good.

Mr. SCOTT. Thank you. Thank you.

And I would like to thank all of our witnesses for your testimony.

Members who have additional questions may submit them in writing. We will forward them to you and hopefully get answers as promptly as you can to be made part of the record.

Without objection, the hearing record will remain open for 1 week for the submission of additional materials.

We have a markup scheduled right now. We will adjourn to go vote and ask Members to come back promptly after the vote. It is

on the hate crimes legislation that is scheduled for markup tomorrow, so we would like to mark it up in Subcommittee right after the last vote.

So, without objection, the Committee now stands adjourned, and we will reconvene immediately after the last vote.

[Whereupon, at 4:45 p.m., the Subcommittee was adjourned.]

APPENDIX

MATERIAL SUBMITTED FOR THE HEARING RECORD

PREPARED STATEMENT OF THE HONORABLE ROBERT C. "BOBBY" SCOTT, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF VIRGINIA, AND CHAIRMAN, SUBCOMMITTEE ON CRIME, TERRORISM, AND HOMELAND SECURITY

The Subcommittee will now come to order. I am pleased to welcome you today to this hearing before the Subcommittee on Crime, Terrorism and Homeland Security on H.R. 1700, the *"COPS Improvements Act of 2007;"* H.R. 916, the *"John R. Justice Prosecutors and Defenders Incentive Act of 2007;"* and H.R. 933, the *"Witness Security and Protection Act of 2007."*

The first of the three bills, HR 1700, the *"COPS Improvements Act of 2007,"* amends the Omnibus Crime Control and Safe Streets Act of 1968 to expand the current authority of the Attorney General to make grants for public safety and community policing, or the "COPS" program.

The COPS program was originally created in 1994, as part of the Violent Crime Control and Law Enforcement Act. Since its inception, the mission of the program has been to advance community policing in all jurisdictions across the U.S. The program achieves this objective by awarding grants to state, local and tribal law enforcement agencies, so they can hire and train law enforcement officers to participate in community policing; purchase and deploy new crime-fighting technologies; and develop and test new and innovative policing strategies.

Since 1994, the program has awarded more than $11.4 billion to over 13,000 law enforcement agencies across the U.S.; and at the end of fiscal year 2004, the program had been credited with funding more than 118,000 community policing officers.

The second of the three bills, H.R. 916, the *"John R. Justice Prosecutors and Defenders Incentive Act of 2007,"* also seeks to amend the Omnibus Crime Control and Safe Streets Act of 1968. But, in the case of this measure, the legislation specifically directs the Attorney General to assume the obligation to repay student loans of any individual who agrees to remain employed, for at least three years, as either: (1) a state or local criminal prosecutor; or (2) a state, local, or federal public defender in a criminal case.

The inherent difficulties associated with retaining qualified public attorneys is not new. And, there are multiple reasons why an attorney might choose the private sector over the public sector. The most frequently discussed reason centers around the need for higher paying jobs in the private sector to pay off any lingering student loan debt.

The National Association for Law Placement (NALP) reports that the median salary for a fifth year associate in private practice is $122, 500. In contrast, according to the NALP, the median salary for a fifth year state prosecuting attorney is merely $55,177; while a fifth year public defender makes even less at $54,672; and a fifth year local prosecuting yet and still makes even less at just $54,500. With significant pay disparities such as this, it's easy to understand how public sector attorneys are easily lured away with the hope of obtaining a larger salary that can often be found in the private sector.

The final measure that we are considering today, H.R. 933, the *"Witness Security and Protection Act of 2007,"* seeks to amend title 28 of the United States Code to establish within the U.S. Marshals Service a short term witness protection program for witnesses that are involved in a state or local trial involving a homicide, serious violent felony, or serious drug offense. To ensure the best possible use of limited federal resources, the legislation also directs the U.S. Marshals Service to give priority to those prosecutor's offices that are located in a state with an average of at least 100 murders per year during the five year period immediately preceding and application for protection.

Witness intimidation reduces the likelihood that citizens will engage in the criminal justice system, which could deprive police and prosecutors of critical evidence. Moreover, it can also have the unwanted effect of reducing public confidence in the criminal justice system, and can create the perception that the criminal justice system can not adequately protect its citizens.

I looking forward to hearing the testimony of our witnesses on these latter points, as well as their thoughts on the previous issues mentioned with regard to the prior two bills.

With that said, it is now my pleasure to recognize the esteemed Ranking Member of the Subcommittee, my friend and colleague, the Honorable, Randy J. Forbes, who represents Virginia's 4th Congressional District.

Without objection, all Members may include opening statements in the record at this point.

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CONGRESSWOMAN SHEILA JACKSON LEE, OF TEXAS

STATEMENT BEFORE THE COMMITTEE ON THE JUDICIARY SUBCOMMITTEE ON CRIME, TERRORISM, AND HOMELAND SECURITY

HEARING ON:

"H.R. 1700: COPS IMPROVEMENT ACT OF 2007"

APRIL 24, 2007

Thank you, Mr. Chairman, for convening this hearing. I'd also like to thank our six witnesses, Ms. Laurie Robinson, the Honorable Douglas H. Palmer, Mr. Edmund H. Mosca, the Honorable Kamala D. Harris, Mr. Mark Epley, and Mr. John Monaghan.

Mr. Chairman, I strongly support H.R. 1700, the COPS Improvement Act of 2007, introduced by my colleague Mr. Weiner. This act would amend the Omnibus Crime Control and Safe Streets Act of 1968, expanding the ability of the Attorney General to make grants for the COPS ON THE BEAT program. This important program provides for public safety and community policing activities, and it very simply puts more cops on the streets.

During the 1990s, the crime rate for all categories of crime and in all parts of the United States fell dramatically and almost continuously, with homicide rates plunging 43% to reach their lowest level in 35 years in 2001. Unfortunately, after this sustained drop across all geographic areas and population groups, crime rates have once again begun to rise. In particular, 2005 marked the greatest increase in violent crime in fourteen years. This increase in crime, not coincidentally, corresponds with cuts to the funding of the COPS program.

An increase in crime mandates an increase in the number of police. Since 1995, the COPS office has awarded over $11.4

billion to over 13,000 state, local, and tribal law enforcement agencies throughout the United States. These funds allow agencies to hire and train law enforcement officers to participate in community policing, to purchase and deploy new crime-fighting technologies, and to develop and test new and innovative policing strategies.

Despite the demonstrated success of the COPS program in reducing crime rates, the current administration has targeted its funding. This would jeopardize the marked headway this program has made into creating and maintaining safe communities nationwide. H.R. 1700 provides an opportunity to reverse this harmful process. This bill allows us to build upon a program that has already proven successful by expanding the mission and increasing the prospects for grants under the COPS program. It allows us to both protect America's communities from increasing violent crime, and to provide adequate resources for those whom we entrust with guarding our safety.

Mr. Chairman, I strongly support this legislation because I believe the work of our state, local, and tribal law enforcement officials to be crucial to the security of our communities and our nation. I believe that the program's record is clear, and the evidence shows that more cops equals less crime. I urge my colleagues to support this legislative.

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CONGRESSWOMAN SHEILA JACKSON LEE, OF TEXAS

STATEMENT

BEFORE THE

JUDICIARY SUBCOMMITTEE ON CRIME, TERRORISM, AND HOMELAND SECURITY
HEARING ON
H.R.916
"THE JOHN R. JUSTICE PROSECUTORS AND DEFENDERS INCENTIVE ACT OF 2007"

APRIL 23, 2007

Thank you, Mr. Chairman, for yielding, and I applaud Chairman Scott and Ranking Member Forbes for including this hearing in the

rigorous agenda you have set for the Committee on the Judiciary this Congress. I would also like to welcome and thank our witnesses for being here today. I look forward to hearing from you on your expertise on the subject of the state of the criminal justice system.

Mr. Chairman, the purpose for this hearing is to consider the merits of H.R.916. H.R.916 will amend the Omnibus Crime Control and Safe Streets Act of 1968 to direct the Attorney General to assume the obligation to repay student loans for borrowers who agree to remain employed, for at least three years, as: (1) state or local criminal prosecutors; or (2) state, local, or federal public defenders in criminal cases. Hr.R.916 also will allow a borrower and the Attorney General to enter into an additional loan repayment agreement, after the required three-year period, for a successive period of service which may be less than three years. The bill also limits the amount paid under such program on behalf of any borrower to $10,000 per calendar year and $60,000 total.

Mr. Chairman, the John R. Justice Prosecutors and Defenders Act of 2007 is a bipartisan bill that would benefit our criminal justice system and our communities by creating a student loan repayment program for law school graduates who agree to serve for at least three years as criminal

prosecutors or public defenders. A similar bill has also been introduced on the Senate side by Senator Durbin.

Mr. Chairman, over recent years we have witnessed the difficulty prosecutor and public defender offices across the country have had attracting and retaining qualified attorneys. One of the primary reasons for this difficulty is that huge amounts of student debt have pulled students in the opposite direction of public service careers such as those of prosecutors and defenders. Why? We all know that no one is going to get rich going into service careers such as teachers, social workers, and prosecutors and public defenders. That is why we must give those who wish to serve in public service careers incentive such as loan forgiveness so that they will not forgo service careers simply because they are buried in mounds of student loans.

We also know that our communities suffer when the criminal justice system fails to obtain and retain a sufficient supply of experienced prosecutors and defenders. As a result, criminal caseloads become unmanageable, cases can be delayed or mishandled, serious crimes may go unprosecuted, and innocent defendants may be sent to jail. H.R.16 will allow for the criminal justice system to recruit and retain talented attorneys and help that system function more effectively.

The bill, which authorizes $25 million in appropriations for FY08, establishes a program of student loan repayment for borrowers who agree to remain employed, for at least three years, as State or local criminal prosecutors or as State, local or Federal public defenders in criminal cases (note that Federal prosecutors are already eligible for loan relief through existing Federal programs).

Other important aspects of the bill include: allowing eligible attorneys to receive student loan debt repayments of up to $10,000 per year, with a maximum aggregate over time of $60,000; covering student loans made, insured or guaranteed under the Higher Education Act of 1965, including consolidation loans; providing that repayments benefits be made available to eligible attorneys on a first-come, first served basis, subject to the availability of appropriations; and permitting attorneys to enter into additional loan repayment agreements, after the required three-year period, for additional periods of service. The bill also sets safeguards to ensure loan forgiveness participants satisfy their commitments by requiring attorneys to repay the government if they do not complete their required period of service.

I strongly support this bill and I would also like to note that this legislation has wide support in the legal community. H.R.916 is supported

by the American Bar Association, the National District Attorneys Association, the National Association of Prosecutor Coordinators, the National Legal Aid and Defender Association and the National Association of Criminal Defense Lawyers.

Mr. Chairman, I look forward to hearing from our witnesses about this very important subject regarding ways to improve our criminal justice system.

Thank you. I yield the balance of my time.

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INTELLIGENCE, INFORMATION SHARING, AND TERRORISM RISK ASSESSMENT
ECONOMIC SECURITY, INFRASTRUCTURE PROTECTION, AND CYBERSECURITY
MANAGEMENT, INTEGRATION, AND OVERSIGHT
SCIENCE
SUBCOMMITTEES:
ENERGY
SPACE AND AERONAUTICS
MEMBER
DEMOCRATIC CAUCUS POLICY AND STEERING COMMITTEE
CO-CHAIR
CONGRESSIONAL CHILDREN'S CAUCUS

CONGRESSWOMAN SHEILA JACKSON LEE, OF TEXAS

STATEMENT

BEFORE THE

JUDICIARY SUBCOMMITTEE ON CRIME, TERRORISM, AND HOMELAND SECURITY
HEARING ON
H.R.933
"WITNESS SECURITY AND PROTECTION ACT OF 2007"

APRIL 23, 2007

Thank you, Mr. Chairman, for yielding, and I applaud Chairman Scott and Ranking Member Forbes for holding this very important

hearing. I would like to welcome and thank all of our witnesses for being here today.

Mr. Chairman, the purpose for this hearing is to consider the merits of H.R.933. H.R.933, the Witness and Security and Protection Act of 2007, amends the federal judicial code to establish in the U. S. Marshals Service a Short Term State Witness Protection Section to provide protection for witnesses in state and local trials involving homicide or a serious violent felony or serious drug offense, pursuant to cooperative agreements with state and local district attorneys and the U.S. attorney for the District of Columbia.

H.R.933 also directs the Section to give priority in awarding grants and providing services to prosecutor's offices in states with an average of at least 100 murders per year during the five-year period immediately preceding an application for protection. This bill is a step in the right direction to address many of the serious crimes that go unsolved because members of the community are too afraid to report those crimes to law enforcement.

Mr. Chairman, we all know that it takes great courage to report dangerous crimes to law enforcement and many people who witness such

crimes understand the risks that come with reporting those crimes. I would just like to draw your attention to a horrific retaliation murder of a family of one brave woman, her husband and their five children who were failed by the Baltimore City Police Department. After the Dawsons survived repeated physical assaults and a firebombing in retaliation for reporting criminal activity - all of which the City was aware - the City still failed to provide reasonable police and witness protection services according to the surviving family members.

Between Jan. 1, 2000, and Oct. 16, 2002, the Dawsons made 109 calls to 911 or 311 - generally to report drug activity or disorderly persons. The Dawsons' relatives alleged that the police did not respond to these calls quickly and sometimes failed to respond at all. When the police did respond, the officers would go directly to the Dawson family home indicating to the entire neighborhood, including the drug dealers, that it was the Dawsons who had called the police.

Records showed the couple made dozens of calls to police before the final assault against their home. The family was murdered by dangerous drug dealers who set their house on fire in the early hours of the morning to retaliate against Ms. Dawson's reporting their criminal activity. This is a great tragedy that could have been prevented had the family been protected

by law enforcement. Moreover, as a result of the murders, many people in that community will probably be even more afraid to report serious crimes. We must put safeguards in place to let our citizens know that they do not have to live in fear and that they have a right to live in safe communities.

Mr. Chairman, H.R. 933 gives these citizens the support they need to take action in reporting and preventing crime. This bill also authorizes: (1) the Attorney General to make grants to state and local district attorneys and to the U.S. attorney for the District of Columbia for providing such witness protection; and (2) each recipient to use the grant to provide witness protection or to credit the grant to the Section to cover the Section's costs of providing witness protection.

Mr. Chairman, I strongly support this bill and look forward to hearing from the witnesses on this extremely important matter of witness protection.

Thank you. I yield the balance of my time.

PREPARED STATEMENT OF GAVIN NEWSOM, MAYOR, SAN FRANCISCO, CA

Chairman Scott, I want to commend the Subcommittee for holding this hearing today to focus on the recent increase in incidents of violent crime and the need to determine how best, on the Federal level, to help state and local law enforcement officials combat the rise in violent crime. One critical legislative solution is bringing the COPS program back as en effective tool to combat violent crime. I am very encouraged by the introduction of H.R. 1700, the COPS Improvement Act of 2007, and urge the Subcommittee to take immediate action on this important measure.

The US Conference of Mayors reports that 2005 showed the largest single year percent increase in violent crime in 15 years. This trend continued in 2006 according to a Police Executive Research Forum survey. A number of factors contribute to this increase in crime, including a growing culture of violence among youth, gangs, a proliferation of illegal guns, drug activity, and social problems related to school truancy and lack of jobs.

COPS provides grants to tribal, state, and local law enforcement agencies to hire and train community policing professionals, acquire and deploy cutting-edge crime-fighting technologies, and develop and test innovative policing strategies. COPS has invested $11.3 billion to add community policing officers to the nation's streets and schools, enhance crime fighting technology, support crime prevention initiatives, and provide training and technical assistance to advance community policing. Since its creation in 1994, COPS has funded over 118,000 community policing officers and deputies nationwide. Since 1995, COPS has funded 267 police officers in San Francisco.

As mayor I work hard every day to keep our community safe and have been frustrated that the current Administration has slashed federal funding for major Department of Justice law enforcement programs in recent years. Of special concern is the COPS program, which was once funded at almost $1.5 billion, and has now been eliminated in the President's current budget.

Along with crime prevention, job training, and youth programs, our cities need more police officers to walk the beat and keep our residents safe. At a time when homeland security dominates federal spending priorities, I urge Congress to reprioritize the need for hometown security and restore full funding to and enhance the COPS program.

Results of the National District Attorneys Law School Loan Debt Survey: Final Report

The tuition costs of law school can range from just over $4,500 a year to more than $23,000 a year—costs which are largely offset by student loans. Over the course of law school, a single student can accrue tens of thousands of dollars in law school debt. For lawyers entering the private sector, the salaries they receive are substantial and often enough to help ensure their law school loans can be repaid quickly. Lawyers entering public service, however, are not compensated nearly as well. In fact, starting salaries for new prosecutors are often less than $30,000. The repercussion of such low salaries and the amount of law school debt incurred is that prosecutors' offices nationwide face significant challenges with regard to recruitment and retention.

In an effort to document the actual impact of law school loan debt on prosecutors' offices, the National District Attorneys Association and the National Association of Prosecutor Coordinators conducted a national survey of prosecutors on law school loans. The survey yielded a number of very interesting results from both the perspective of managers and the chief prosecutors as well as the younger attorneys who are still burdened with significant loan debt.

In total, 2,119 prosecutors from all over the country responded to the survey. Most respondents graduated from law school between 1998 and 2003 and have worked as a prosecutor for an average of 4 years. This report summarizes the findings from the survey. Specifically, the report focuses on the amount of law school loan debt among the respondents and its impact on their professional and personal life choices. In addition, the report discusses the impact on the operations of prosecutors' offices from the perspective of chief prosecutors and supervisors.

Amount of Law School Loan Debt among Prosecutors

Of the 2,119 prosecutors that responded to the survey, 89 percent said they took a loan to offset the costs of law school tuition, and 85 percent said they still owe money on their loans.

The average amount of law school loans taken is $66,422.[1] The majority of prosecutors have loans between $45,000 and $90,000. To understand the magnitude of the amount of law school loan debt, it is important to note that overall, the total amount of law school loan debt for just the 2,119 prosecutors that responded to the survey is 120 million dollars.

Eighty-five percent of the prosecutors who responded to the survey report that they still owe money on their law school loans. In fact, the majority report that they still owe 30

[1] One respondent provided a figure of $415,000 as the total amount for law school loans. This number was excluded from the analysis as it inflated the average law amount for the sample.

years on their loan. At an average interest rate of 7.53 percent, prosecutors will pay more than $100,000 each in interest alone. On average, 19 percent of prosecutors' monthly salaries is used to pay law school loan payments, which average between $251 and $500 per month. Interestingly, a quarter of prosecutors, who have been in prosecution for less than 2 years, have held a second job in order to pay law school loans and spend between 10 and 20 hours per week working at their second job.

Impact of Law School Loan Debt on Personal and Professional Choices

The toll of law school loans on the quality of life for younger prosecutors is an important consideration. More than half of the prosecutors who responded to the survey report that their loan debt significantly influences many of their life choices. In fact, for more than 80 percent of the prosecutors who responded to the survey, law school loan debt impacts their decisions about buying a home or a new car. Two-thirds report that their loan debt influences their decisions about taking a vacation, and perhaps more importantly, for more than 50 percent of the prosecutors, loan debt influences their decisions about starting a family.

For more than two-thirds of the prosecutors who responded to the survey, their law school loan debt is an important consideration in their decision to become a career prosecutor. In fact, more than 55 percent of the prosecutors reported they would spend between 20 and 30 years as a prosecutor if their law school loans were forgiven. Moreover, the majority reported that they would like to become career prosecutors if law school loan forgiveness were an option or if salaries were higher allowing them to better manage their law school loan debt.

Impact of Law School Loan Debt on Prosecutors' Offices Operations

Prosecutors struggle with recruiting and retaining quality lawyers. Anecdotally, many prosecutors blame low salaries and the high levels of law school loan debt carried by young lawyers as the primary factors influencing recruitment and retention. The survey results provide empirical support for this belief. It is clear from the survey that turnover is a significant problem facing local prosecutors' offices—more than 50 percent of the chief prosecutors and supervisors who responded to the survey reported that between 1 and 5 prosecutors left their office in 2005. This is significant because 64 percent of the offices in the survey had an average of 10 or fewer prosecutors on staff, which means that in small offices, the turnover rate is as high or higher than 50 percent.

The survey results also supported the belief that turnover is caused in part by low salaries and law school loan debt. More than half of the chief prosecutors (53%) reported that law school loans are a very significant factor in their ability to retain staff, and 62 percent report that law school loans are a very significant factor in their ability to recruit staff. In fact, on average, offices reported that nearly a third of the attorneys who left their offices did so because of small salaries and large law school loan payments.

The inability to recruit and retain quality lawyers has a far-reaching effect on an office's operations. According to chief prosecutors and supervisors, these effects include increased costs for training, fewer experienced attorneys to prosecute complex cases or violent crimes, increased caseloads per attorney, decreased morale, and increased risk of prosecutorial error.

Conclusion

The NDAA and NAPC survey clearly provides empirical evidence to support the consideration of law school loan repayment assistance or other innovative steps to reduce the burden of law school loans and help prosecutors' office attract and retain quality lawyers. Although the staggering amount of loan debt that exists nationwide may not lend itself easily to a national loan repayment assistance program, there are other methods to be considered.

First, at the state level, the amount of law school loan debt that exists for lawyers in public service may be more manageable in terms of a loan repayment assistance program. At a minimum, consideration might be given for a graduated repayment assistance program in which the amount of debt forgiven is tied to years in public service. Second, state universities and colleges may be able to provide some support for loan repayment assistance programs.

Finally, young prosecutors who feel the burden of law school loan payments do so in part because of the amount of interest compounded on the loan. If it is impossible to forgive all of a loan, it may be possible to create a loan program in which there is no interest on law school loans for lawyers in public service, or a reduced interest rate, thereby reducing the monthly payments and the total amount of money repaid at loan maturity.

Research conducted by that National District Attorneys Association's Office of Research and Evaluation (August, 2006). Author of final report: Elaine Nugent-Borakove, Director, Office of Research and Evaluation. 703-519-1648.

PREPARED STATEMENT OF MARTIN S. PINALES, PRESIDENT, NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS (NACDL)

Yesterday brought news of a significant milestone in the criminal justice system: the 200th person exonerated through DNA evidence since 1989. According to the Innocence Project, these 200 exonerees served 2,475 years in prison for crimes they did not commit. While the importance of DNA analysis for purposes of exonerating the innocent and identifying the actual perpetrators cannot be denied, its usefulness as a forensic tool is limited to a small percentage of cases and crimes. As this Committee has recognized, "DNA alone will not eliminate wrongful convictions. . . . [B]iological evidence that can establish guilt or innocence is available in fewer than 20 percent of violent crimes." House Rpt. 108–711.

Nonetheless, studying these wrongful convictions and their causes has helped to elucidate the problems in the criminal justice system that can lead to errors. By taking advantage of this learning moment, we can institute reforms that prevent future errors, thus enhancing public safety.

Law student debt helps explain one piece of a serious problem in our criminal justice system: the often-inadequate representation of people who are accused of a crime but cannot afford an attorney. Most public defenders are burdened with huge caseloads and a lack of basic resources. Couple these systemic problems with constant staff turnover caused by low salaries and high educational debt, and even the most dedicated public defender organizations will find it hard to provide quality representation. Such inequities guarantee that injustice will be done and innocent persons will be wrongly convicted, leaving the actual perpetrators at large.

The John R. Justice Prosecutors and Defenders Incentive Act (H.R. 916) represents a bipartisan effort to address this problem by providing education debt relief to lawyers who serve as public defenders and prosecutors for at least three years. The Act will help solve the problem of errors by making it easier for prosecutor's offices and public defender organizations to recruit and retain the best and brightest attorneys.

With today's young lawyers often carrying $100,000 or more in education debt upon graduation from law school, many simply cannot afford to enter and continue employment as public defenders.

Consider the following figures:

Public defender salary (average):	$43,000
Monthly take-home pay (after tax):	$2,606
Cumulative education debt (private, average):	$78,763
Monthly loan payments:	$906 [1]
Amount left for living expenses:	$1,700

It is easy to see that housing, food, transportation and other basic necessities will swallow up the remaining take-home pay—making home ownership, parenthood, and retirement saving beyond the reach of the average public defender. As a result, lawyers carrying even the average education debt load are effectively priced out of public service, and prosecutors' and public defenders' offices have serious difficulty attracting the best-qualified candidates and retaining experienced attorneys. Indeed, many offices have vacancies that they cannot fill.

Student loan debt is consistently cited as the overwhelming reason why attorneys decline or leave positions as prosecutors and public defenders. According to a survey conducted by the National Association for Law Placement, law school debt prevented two-thirds of law student respondents from considering a public service career. The barrier disproportionately affects minority attorneys, who often enter law school with fewer resources and leave with greater debt.

The low salary makes it incredibly difficult for offices to retain attorneys. Even attorneys willing to make the sacrifices necessary to enter public service cannot continue to do so forever. As a result, many attorneys leave these offices after only a few years. Recruiting experienced attorneys to take their places is almost impossible because of the salary. As a result, the justice system is left operating with a dearth of experienced attorneys, and less experienced, less qualified attorneys are forced to handle complicated cases, with the accused and the community suffering the consequences.

Frequent staff turnover also creates inefficiency in the justice system. Cases are frequently delayed because of turnover, and offices must constantly expend precious resources recruiting and training new staff. For this reason, the Department of Justice Office of Justice Programs has concluded that loan forgiveness is "an important means of reducing staff turnover and avoiding related recruitment/training costs

[1] Assuming a 10-year repayment term and an interest rate of 6.8%.

and disruptions to the office and case processing." Improving Criminal Justice System through Expanded Strategies and Innovative Collaborations: Report of the National Symposium on Indigent Defense, NCJ 181344, February 1999.

"Nowhere in public service is it more important to encourage the recruitment of competent lawyers and the retention of experienced ones than in the disciplines of prosecution and public defense, where people's lives and liberty hang in the balance." Senate Rpt. 107–315. A reliable, fair, and efficient justice system requires competent attorneys representing the interests of government, protecting the rights of individuals, and ensuring that mistakes are not made. Skilled lawyers in the courtroom are the best safeguard against wrongful convictions of innocent people, an unconscionable miscarriage of justice in a system that is held out as a model for the world.

Competent, experienced defense lawyers and prosecutors are essential to America's time-honored adversarial system of justice. A revolving-door system, where new lawyers leave just as they begin to hit their stride, wastes tax dollars and denies us the talents and dedication of those attracted to a lifetime of public service. The John R. Justice Prosecutors and Defenders Incentive Act would help ensure public safety and fundamental fairness, as well as increasing efficiencies, by making it possible for the most qualified lawyers to choose and continue these noble and essential legal careers.

NACDL is the preeminent organization in the United States advancing the mission of the nation's criminal defense lawyers to ensure justice and due process for persons accused of crime or other misconduct. A professional bar association founded in 1958, NACDL's 12,500 direct members—and 80 state, local and international affiliate organizations with another 35,000 members—include private criminal defense lawyers, public defenders, active-duty U.S. military defense counsel, law professors and judges committed to preserving fairness within America's criminal justice system.

MICHAEL P. JUDGE
PUBLIC DEFENDER

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EXECUTIVE OFFICE

April 23, 2007

The Honorable Robert Scott, Chair
United States House of Representatives
Committee on the Judiciary
Subcommittee on Crime, Terrorism and Homeland Security
B-370B Rayburn House Office Building
Washington, D.C. 20515

Re: Support for H.R. 916: "The John R. Justice Prosecutors and Defenders Incentive Act of 2007"

Dear Congressman Scott:

I am writing to express my unqualified support for H.R. 916, The John R. Justice Prosecutors and Defenders Incentive Act, which will be heard by the House Judiciary Subcommittee on Crime, Terrorism and Homeland Security on April 24, 2007. I am in my 38th consecutive year as an attorney practicing in the field of criminal law in the State of California, including 13 years as the Chief Public Defender of the Los Angeles County Public Defender's Office, the largest and oldest local Public Defender's Office in the nation.

I am also writing to express support on behalf of the California Council of Chief Defenders, the California Public Defenders Association (an organization comprised of almost 4,000 criminal defense attorneys), the American Council of Chief Defenders of which I am a founding member, and the National Legal Aid and Defender Association.

The critical issue that prompts us to address you is the deteriorating capacity of local criminal justice systems to effectively provide essential public safety protections and assure integrity and accuracy in outcomes for your constituents.

There is now an unprecedented dangerous situation in which recruiting and retention of qualified prosecutors and defenders has been undermined by crushing student debt burdens that deter talented law school graduates, who otherwise would apply, from

entering the field, and forces others who have been carefully selected and trained to resign upon attaining the skills necessary to properly handle the serious cases that are of the greatest concern to the communities we all serve.

I see this situation in defender offices throughout California. For example, 83% of California Chief Defenders surveyed reported that recruiting has been negatively impacted because of student loan burdens. The residents of Riverside County, California are saddled with 59 vacancies out of 149 authorized deputy public defender positions. In Los Angeles, the number of deputies citing financial reasons for their decision to leave the Public Defender's Office has almost tripled in the past 3 years, and the number who reject job offers has increased by almost 2½ times in the past 3 years.

Why are we in this situation? In part, it is because tuition and expenses for undergraduate programs and law schools have exploded, rising far more rapidly than other costs of living. The San Francisco Chronicle reported on February 18, 2007, that the total cost of an undergraduate education at Stanford University has risen to approximately $49,000 per year. It should be noted that tuition alone for in-state students at public law schools in California such as U.C.L.A. now exceeds $25,000/year. Nationally, the American Bar Association Commission on Loan Repayment and Forgiveness, in a report published in 2003, found that between 1992-2002 the cost of tuition for public law schools increased 134% whereas the cost of living went up 28%.

The ABA report also established that 87% of law students borrowed to finance their legal education, and that the amount borrowed doubled during the 1990's.Therefore, it should come as no surprise that a survey conducted by the California Public Defender's Association in November 2006 disclosed that the average student debt load for California defenders who graduated in the past 4 years exceeded $93,000.

As a result of these financial barriers, the ABA reported, high student debt bars many law graduates from pursuing public service careers. Moreover, many graduates who take public service jobs must leave after they gain 2 to 3 years of experience. The ABA concluded that public service employers are experiencing serious difficulty recruiting and retaining lawyers, and that repayment assistance programs help law graduates to take and keep public service jobs

Private firms can afford to pay salaries sufficient to account for such debt and other living expenses. The Los Angeles Daily Journal reported on January 25, 2007, that the "going rate" offered by law firms to first year associates (brand new lawyers) had been raised to $160,000.00/year. That is close to triple what most local prosecutor and public defender offices are likely to offer. There is no reason to expect the compensation for such public safety lawyers to increase by an appreciable amount. Instead, there are prosecutor and defender offices who are suffering from vacancies. That places pressure on such offices to lower their standards, risking botched prosecutions or inept defending, neither of which is acceptable to local communities.

We know that prosecutor offices throughout California and across the country are also facing recruitment and retention problems. Jim Fox, President-elect of the National District Attorney's Association, revealed that vacancies in prosecutor offices are likely to result in the filing of more, rather than less criminal cases.

At first blush that seems counterintuitive, but Mr. Fox explained that with insufficient staff prosecutors have less time to thoroughly screen cases, and instead of demanding additional investigation at the outset or rejecting a filing, the cases are filed to avoid the possibility of a guilty perpetrator going free, with the expectation that the matter will be sorted out later.

Such an increase in criminal case filings puts more pressure on defender offices. In the absence of lowering standards within defender offices to fill vacancies, such defender programs would be obligated to divert clients to appointed private counsel to avoid an excessive workload. In my experience, such a diversion produces unacceptable capriciousness in the quality of representation, generates complaints from clients, their families, public officials and judges. Moreover, it also causes significant increases in costs.

There is of course one other disagreeable possibility. Some defender offices with deficient staff may not divert the cases but instead undertake excessive workloads, resulting in an increase in the conviction of the innocent and substantial delays in case processing. This causes some persons accused of crimes to languish and suffer in custody well beyond the juncture their cases should have been resolved, causing unnecessary human misery and exorbitant costs of detention and liability to local communities.

Conversely, prosecutor offices with vacancies face the likelihood of otherwise valid cases being dismissed due to speedy trial violations, cases being settled on much more lenient terms than normally warranted and cases being lost due to insufficient time and resources to properly prepare.

The John R. Justice Prosecutors and Defenders Incentive Act tightly defines a distinct limited group of lawyers essential to both public safety and confidence in the criminal justice system, which is of high value to local communities and their residents. Public defenders stand together with prosecutors in support of this legislation, and we hope that it will pass the House of Representatives and be enacted into law.

Sincerely,

MICHAEL P. JUDGE
Chief Defender
Los Angeles County

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EXECUTIVE OFFICE

April 23, 2007

The Honorable John Conyers, Chair
United States House of Representatives
Committee on the Judiciary
2138 Rayburn House Office Building
Washington, D.C. 20515

Re: Support for H.R. 916: "The John R. Justice Prosecutors and Defenders Incentive Act of 2007"

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resign upon attaining the skills necessary to properly handle the serious cases that are of the greatest concern to the communities we all serve.

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Sincerely,

MICHAEL P. JUDGE
Chief Defender
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Deputy Executive Director
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Alexandria, VA

May 2, 2007

The Honorable Robert Scott
Chairman
Committee on the Judiciary
United States House of Representatives
Washington, DC 20515

Dear Chairman Scott:

On behalf of the International Association of Chiefs of Police, thank you for inviting me to testify before your committee. I want to follow-up on some issues that were raised during the hearing.

First and foremost, I would like to express IACP's full support of H.R. 1700, the COPS Improvement Act. The IACP believes that the reauthorization of this program will be a valuable and critical resource to the state, tribal, and local law enforcement community. By funding for this program, Congress will significantly strengthen the ability of law enforcement agencies to combat crime and violence in our communities.

Second, the Administration's Proposed FY2008 Budget was mentioned, along with new programs that are being proposed in it. I have submitted IACP's Budget Analysis for the record, but I want to mention a few key facts. The new initiatives proposed in the Administration's budget do little to offset the deep cut to the overall level of funding. When compared to the FY 2002 funding level of $3.8 billion, the Administration's FY 2008 proposal represents a reduction of more than $3.2 billion or 85 percent. No program has been hit harder than the COPS Program.

Additionally, the issue of CompStat policing was raised in the hearing. CompStat policing is absolutely effective in reducing the crime rate in larger cities. It is also a technique that many small and midsized communities have been and will continue to use. However, for these

communities solely practicing CompStat is not enough—we must have the critical resources necessary to fulfill our mission.

As I mentioned in my testimony, since September 11, law enforcement agencies and officers have willingly made the sacrifices necessary to meet the challenges of fighting both crime and terrorism. They have done so because they understand the critical importance of what they are sworn to do, and they remain faithful to fulfilling their mission of protecting and serving the public. However, the expenditure of resources necessary to maintain this effort has left many police departments in a financial situation so dire that their ability to provide the services their citizens expect and deserve has been threatened and, in fact, diminished.

Over 85 percent of police agencies in this country have staffs of 25 or less. While smaller departments do appreciate and use technology, our daily routines are quite labor intensive. That is why I urge all Members of Congress to stand with the law enforcement community and give us the personnel we need. I urge all members to strongly support H.R. 1700.

Again, I thank you for the opportunity to speak with you at the hearing. I look forward to answering any additional questions you may have. The IACP stands ready to assist you in any way possible.

Sincerely,

Chief Edmund Mosca
Legislative Committee Chairman

National District Attorneys Association
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February 26, 2007

The Honorable Richard J. Durbin
309 Hart Senate Office Building
Washington, DC 20510-1304

Dear Senator Durbin:

The National District Attorneys Association (NDAA) on behalf of the nation's prosecutors strongly supports S. 442, the "John R. Justice Prosecutors and Defenders Incentive Act of 2007," and is hopeful for action on the legislation in early March.

It is extremely difficult for local prosecutors and public defenders to not only recruit the most distinguished law school graduates but also to retain the competent, well-trained and experienced attorneys currently employed in their offices. This problem is, in part, due to the disparity between the salaries and benefits offered by private firms and those available to individuals wishing to enter public service as a prosecutor or public defender.

The other leading contributor to the economic hardship for prosecutors and public defenders is an almost crushing debt burden from student loans that many are forced to assume in order to cover the costs of law school tuition. A 2005 survey conducted by the National District Attorneys Association's, Office of Research and Evaluation found that 89 percent of the respondents assumed debt during law school to pay tuition costs and 85 percent advised that they still owe money on their loans. The average amount of law school loans assumed was $66,422 with the majority of prosecutors having loans between $45,000 and $90,000.

Those law school graduates who do become local prosecutors or public defenders are often forced to leave, for economic reasons, just as the public begins to really benefit from their training and experience. The attrition rates in prosecutor and public defender offices across the country seriously undermine the integrity of the criminal justice system and the safety of the community. Offices that are fully staffed with competent and experienced attorneys reduce the risk of undesirable outcomes in court and increase the public's confidence in the criminal justice system.

For those prosecutors and public defenders that remain committed to public service, they often are forced to work second jobs to pay tuition loans and basic living expenses. It is not uncommon to hear of a prosecutor waiting tables or bartending in the evenings in order to make ends meet. Unfortunately second jobs can detract from their primary job as a prosecutor thereby compromising again the criminal justice system and the safety of the community.

The provision of student loan repayment assistance in return for continued service over several years would be a critical incentive for younger prosecutors and public defenders to serve the criminal justice system and for those currently employed to continue in public service. The loan repayment assistance program outlined in S.442 is modeled after existing student loan repayment programs that have been used effectively by the United States Department of Justice and other Federal agencies to recruit and retain attorneys.

We strongly support the passage of S. 442, the "John R. Justice Prosecutors and Public Defenders Incentive Act," and are extremely appreciative of all your efforts on this important issue. We stand ready to support you in your future efforts in making this a reality for those prosecutors burdened with insurmountable student loan debt.

Sincerely,

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Executive Director

Mathias H. Heck, Jr.
Prosecuting Attorney
Dayton, Ohio
NDAA President

James P. Fox
District Attorney
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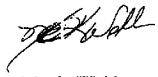
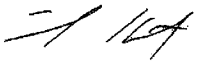


Melanie Webb
Director, Prosecutor Training
Office of the Attorney General
State of Mississippi



Frank M. Kratovil, Jr.
State's Attorney
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President
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CONFERENCE OF CHIEF JUSTICES

Resolution 4

In Support of Federal Legislation to Create Incentives to Law Students to Participate in Public Service Occupations After Graduation

WHEREAS, the 109th Congress considered legislation designed to encourage qualified individuals to enter into and continue employment for at least three years as criminal prosecutors and public defenders by means of providing U.S. government payment of a portion of that individual's student loan for each year of such employment; and

WHEREAS, the 110th Congress is also likely to consider legislation to assist the repayment of student loans of qualified individuals who commit to employment as prosecutors and public defenders; and

WHEREAS, the Association of American Law Schools, Equal Justice Works, the National Legal Aid and Defender Association, and the American Bar Association have expressed support for the above-described legislation; and

WHEREAS, lawyers who engage in civil legal services to enhance access to justice by low income persons render valuable public service that is comparable to that provided by criminal prosecutors and public defenders;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices hereby urges the Congress to adopt legislation to give financial incentives to law school graduates to commit to sustained public service as prosecutors and public defenders; and

BE IT FURTHER RESOLVED that the Conference also encourages Congress to develop and adopt separate legislation providing similar relief for qualified individuals who engage in employment as civil legal aid attorneys.

Adopted as proposed by the Government Affairs Committee and the Professionalism and Competence of the Bar Committee of the Conference of Chief Justices on February 7, 2007.

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GOVERNMENT • Mar. 06, 2007

Prosecutors and Public Defenders Need Raises. Now.

FORUM COLUMN

By Karen J. Mathis

A bill introduced recently by Sen. Richard Durbin, D-Ill., provides a winning solution for all of us concerned that the low wages paid prosecutors and public defenders, along with the high cost of law school, are undermining confidence in the integrity of our criminal-justice system.

As introduced, the John R. Justice Prosecutors and Defenders Incentive Act of 2007 brings bipartisan support to a solution for a problem faced by jurisdictions nationwide: attracting and retaining qualified lawyers for public-service careers.

Named for John Reid Justice, a former South Carolina solicitor and former president of the National District Attorneys Association, the bill establishes a student-loan repayment-assistance program for law-school graduates who agree to remain employed for at least three years as state or local criminal prosecutors or as state, local or federal public defenders.

Eligible lawyers would receive student-loan-debt repayments of as much as $10,000 a year. With an option to renew for a second three-year commitment, they could receive $60,000 toward repayment of their student loans. Lawyers who fail to honor their service commitments would repay the government any money received.

Communities are the first to suffer when qualified law-school graduates turn to higher starting salaries offered by private firms and away from public-service salaries in the mid-$40,000 range offered to new prosecutors and public defenders. But with an average loan debt of $80,000 for graduates of private law schools and $50,000 for graduates of public law schools, new lawyers often have no choice. Two-thirds of law-school students say their education loans prohibit them from even considering public-service positions.

In prepared testimony about the problem, Michael P. Judge, chief defender at the Los Angeles County Public Defender's Office - the nation's oldest and largest such agency - wrote:

"I see this situation in defender offices throughout California. For example, 83 percent of California chief defenders surveyed reported that recruiting has been negatively impacted because of student-loan burdens. The residents of Riverside County are saddled with 59 vacancies out of 149 authorized public-defender positions.

In Los Angeles, the number of deputies citing financial reasons for their decision to leave the public defender's office has almost tripled in the past three years, and the number who reject job offers has increased by almost 2Â½ times in the past three years."

Supporting Judge's perception is Bernard Murray, president of the Prosecutors Bar Association and chief of criminal prosecutions for the Cook County State's Attorney's Office in Chicago, who wrote:

"[We] are faced with enormous hurdles in attracting first-rate candidates to pursue a career with the Cook County State's Attorney's Office. We simply cannot afford to pay new assistants a salary high enough to offset the enormous debt load that follows them from their law-school graduation."

More compelling are the words of law-school graduates struggling to create lives with little disposable income. Trisha Newman, a public defender in California, wrote:

"It took me six months to save up to buy furniture. ... Not everyone becomes an attorney to get rich. Some do it because they actually want to help people, and in my experience, the district attorneys and public defenders I am associate[d] and friends with do it because they love it, as do I. But that help comes at the cost of sacrificing the ability to live."

When communities are unable to recruit or retain public-service lawyers, justice suffers from lengthy delays, increasing the possibility that the innocent will be sent to jail, crimes will go unprosecuted, and the guilty will go free.

The rape victim hides, knowing that her attacker, out on bail, still walks the streets. The gangbanger, emboldened by a lack of follow-up on charges against him, commits more violent crimes. The hourly worker, unable to make bail, puts his job and family in jeopardy as he waits for his day in court to prove his innocence.

When these situations happen, they create a lack of confidence in our system that erodes the foundation of our society.

Law enforcement rightly is - and should remain - a state and local concern, but the federal government has a responsibility to make sure our criminal-justice system functions effectively. To do so, it needs talented - and experienced - lawyers.

No longer can we ignore the difficulty encountered by prosecutors and public defenders in hiring and keeping good lawyers because of law-school debt. We cannot allow public-service law to become an unaffordable career choice for sons and daughters of middle-class families.

The John R. Justice Prosecutors and Defenders Incentive Act of 2007 is a step toward ensuring that our nation's criminal-justice system functions effectively, with capable lawyers committed to public-safety legal careers. Without the ability to attract and retain qualified lawyers dedicated to carrying out our laws, we will not have true justice for ourselves or our fellow citizens.

Karen J. Mathis, a Denver business and estate lawyer, is president of the American Bar Association.

****

Testimony of
William J. Bratton
Chief of Police
Los Angeles Police Department

Violent Crime Reduction Efforts

Subcommittee on Crime, Terrorism, and Homeland Security
U.S. House of Representatives
House Judiciary Committee on Violent Crime

Response, Research and Resources Needed to
Combat the Recent Rise in Violent Crime

Honorable Robert C. Scott, Chairman
Honorable Randy Forbes, Ranking Member
April 24, 2007

Chairman Scott, Ranking Member Forbes and members of the committee, I appreciate this opportunity to address you on the issue of violent crime.

The Los Angeles Police Department (LAPD/Department) looks forward to its continued partnership with our local, state, and federal agencies to enhance its efforts to reduce crime, improve the quality of life in our communities, and deter our youth from choosing the gang lifestyle. On behalf of the LAPD, I ask that Congress continue to support these undertakings through ongoing and increased funding in the following areas:

- Innovative and collaborative violent crime reduction/enforcement initiatives that emphasize reduction of violent gang-related crime through multi-jurisdictional partnerships;
- Prevention and Intervention based youth programs intended to deter youth from crime and gang involvement;
- Expansion of LAPD's Safer City Initiatives, which specifically address the crime, social, and quality of life issues that plague the neediest parts of the City;
- Technological advances and resources that assist law enforcement to effectively fight crime; and
- Legislation designed to deter persons from joining gangs and engaging in criminal activity, while assisting law enforcement in the identification and apprehension of criminal predators.

ISSUES

Violent and Gang-Related Crime Reduction Initiatives

Recent statistics from the Federal Bureau of Investigation (FBI) indicate that violent crime is increasing nationwide at its highest rate in 15 years. Additionally, many experts attribute this rise in crime to increased gang presence in cities across the nation, a problem that the City of Los Angeles continues to experience. Although overall violent crime decreased by three percent in Los Angeles in 2006, gang-related violent crime rose by 15.7 percent. More alarming is the fact that the individuals and groups responsible for these crimes continue to evolve into more sophisticated and organized operations. Gang crime, in particular, can no longer be addressed at the local, regional, or even state levels. Violent street gangs have expanded their membership and operations across state and international boundaries, which has had a tangible and increasingly detrimental impact on our communities.

The LAPD shares the Department of Justice's (DOJ) comprehensive vision of fighting gang crime through prevention, intervention, and enforcement. Through continued funding of federal anti-gang initiatives such as Project Safe Neighborhoods, which specifically targets gang-related problems in three of California's largest housing projects in southeast Los Angeles, law enforcement will be able to more effectively address gang crime and its resultant fear through the use of force multiplier strategies supported by this type of funding.

Some of the LAPD's newest and most unconventional gang enforcement initiatives have already resulted in the capture of three of Los Angeles' most wanted fugitive gang members. Recently, the LAPD released the names of its Most Wanted Gang Members, along with a list of the top targeted gangs in the City, a tactic that had never been used before. The Department has also collaborated with the FBI regarding the continuous placement of the name of a Los Angeles area gang member on the FBI's Ten Most Wanted List. These strategies are more than ceremonial acts; they represent a resolute and resounding declaration of the LAPD's intent to arrest, prosecute, and incarcerate the most dangerous and notorious gang criminals in this region.

The 2007 LAPD Gang Enforcement Initiatives also included the designation of a Department Gang Coordinator. This executive-level position is responsible for bringing continuity, cohesion, and consistency to the Department's overall gang strategy, while ensuring ongoing communication and coordination with our federal counterparts.

As a leader in the area of gun-related law enforcement, the LAPD Gun Section has joined efforts with the Bureau of Alcohol, Tobacco and Firearms (ATF) to form a Violent Crime Impact Team Task Force. This task force is the first of its kind in the nation, and combines 11 LAPD officers with an equal number of ATF agents to combat gun trafficking in the City of Los Angeles.

The LAPD also supports continued and increased federal funding for expansion of existing gang crime-reduction programs such as the Community Law Enforcement and Recovery Unit (CLEAR). The CLEAR program was initiated in 1996 as a result of the murder of three-year old Stephanie Kuhen by "Avenues" gang members in the Northeast Area of Los Angeles. The CLEAR program involves multi-county agencies such as the District Attorney's Office, City Attorney's Office, the Probation Department, Los Angeles County Sherriff's Department, and the LAPD. The objective of CLEAR is to combat gang crime and improve the quality of life in gang-ridden neighborhoods. Currently, six of LAPD's 19 geographic Areas deploy CLEAR units.

The LAPD has also partnered with several federal law enforcement agencies to more effectively enforce gang crime through the sharing of intelligence and resources. The newly established South Bureau Criminal Gang Homicide Group has brought together over 120 of the most experienced homicide and gang detectives in the City to investigate all gang-related murders and attempt murders in South Los Angeles.

Federal agencies including the FBI and the ATF have already committed resources to this group.

The Newton and Rampart Areas of Los Angeles continue to target their most violent and problematic gangs via their partnership with the FBI Violent Crime Task Force, and Newton Area is currently researching the possibility of partnering with the Drug Enforcement Agency (DEA) to create a joint task force aimed at gang crime and narcotics. The Mission and Foothill Areas of Los Angeles will soon partner with Mobile Enforcement Team agents from the DEA, who will assist in the identification and asset seizure of major drug traffickers and organizations.

Los Angeles has been identified as a federal High Intensity Drug Trafficking Area. The federally funded Southern California Drug Task Force was implemented to conduct intensive investigations of drug trafficking organizations that operate on a national and/or international scale in an effort to dismantle those organizations. This task force promotes continued cooperation and joint investigations among all of the federal, state, and local law enforcement agencies in Los Angeles and Orange counties, and investigates and prosecutes financial and other crimes related to narcotics trafficking.

Prevention and Intervention Based Youth Programs

The LAPD gang enforcement agenda for 2007 reflects DOJ's anti-gang approach. In addressing prevention, the LAPD is committed to sustaining its efforts to build and repair bridges that connect us to the youth in our community. Generations of families, particularly those in disadvantaged and disenfranchised neighborhoods, depend on youth programs such as Explorers, Deputy Auxiliary Police, and LAPD-sponsored athletic leagues and juvenile intervention programs as a means to channel the energy of their children along a positive course.

Safer City Initiatives

The LAPD continues to identify and address the problems that plague some of the City's most vulnerable and crime-ridden areas through the Department's Safer City Initiatives (SCI). The placement of Safer City Initiatives was based on an assessment by the Mayor's Office and a careful analysis of sophisticated crime data collected by the LAPD. Executive staff of the LAPD analyzed this information and used it to construct a larger picture of crime across the City. This analysis enabled the LAPD to focus on highly defined boundaries and, in conjunction with the Mayor's Office, to design plans that assured public safety within the affected locales.

As a result, each Initiative was tailored to the needs of specific areas and their residents. In general terms, the SCIs included a formula of engaging the governmental departments and community organizations necessary to bring about the desired changes in the at-risk neighborhoods. Subsequent meetings of the groups helped define goals and objectives, and outlined the nature of police response to local

problems. Pathways of collaboration and communication were established, as were areas of responsibility.
The Safer City Initiatives have changed communities for the better with astonishing effectiveness. Neighborhood upgrade has been dramatic, and the locations have been returned to the community for them to enjoy in a safe and secure environment. There are currently five SCIs throughout Los Angeles, which are:

- Central Area Skid Row;
- Mission Area North Hills;
- Southwest Area Baldwin Village;
- Southwest/77th Areas Crenshaw High School; and,
- Rampart Area MacArthur Park.

The LAPD will continue its efforts to acquire additional funding and resources to expand the SCI to other desperately needy parts of the City.

Use of Technology to Combat Crime

The ever-increasing sophistication and evolution of criminals requires technological advances in law enforcement that are commensurate with the advanced technology used by the criminals to commit crime. Modern technological advances allow criminals to quickly travel across multiple jurisdictions and sprawling urban populations provide ample concealment and anonymity for the criminals. There are several pilot programs throughout LAPD designed to help officers track criminal movements and identify those who attempt to hide their identities and escape detection and prosecution.

Two technologies that are currently being piloted in LAPD are the Closed Circuit Television (CCTV) cameras and Automatic License Plate Recognition (ALPR) devices. The placement of CCTV cameras in highly populated public areas allows law enforcement to monitor several square blocks from a single monitor and look for potential criminal activity, track criminal movements in real-time, and provide crucial evidence for prosecution. A meshed network that allows officers to view the images on their in-car mobile computers further enhances this technology. This allows officers to view real-time footage of locations as they respond to radio calls or monitor criminal activity from around the corner and quickly respond to arrest the perpetrator and protect potential victims.

In the same manner, ALPR devices expand the reach of law enforcement. These devices can be deployed in police vehicles or on public streets and automatically run the license plates of all vehicles that pass by. The license plates are then automatically run through several databases that contain information on stolen vehicles, Amber Alert vehicles, and "wanted" vehicles. If there is a match, the officers receive a notification on their in-car mobile computer.

The ALPR system can also be used to track the path of criminals as they pass by multiple ALPR locations. When deployed at or around critical structures such as airports, city/federal buildings, and ports, the devices can be highly effective in the prevention/detection of terrorism.

Both pilot programs have demonstrated the usefulness of this advanced technology as a force multiplier, and in the reduction of violent crime in Los Angeles. Additional funding for this type of technology will enable LAPD and the law enforcement community to expand its use and realize the success enjoyed by cities such as London, which has achieved dramatic decreases in violent crime through the comprehensive application of this technology.

Modern law enforcement requires ongoing, comprehensive, and timely communication with the local, state, and federal law enforcement agencies. Just as information sharing among government agencies was identified as a critical aspect of the war on terror, it is also critical in the struggle to reduce violent crime at the local level. Information sharing between law enforcement agencies has already begun on the regional level via such programs as the CopLink system, which allows law enforcement agencies to share criminal intelligence and information across the region. However, to achieve maximum benefits from this technology, agencies across the country need to be linked by a similar system. In doing so, officers investigating a rape in California will know if a potential suspect was previously arrested in South Carolina on sexual battery or if a fleeing suspect was recently issued a speeding ticket in Texas.

While the technology already exists to facilitate this kind of nation-wide network, the idea currently lacks the structure, organization, and funding for nationwide implementation.

Legislation to Address Violent Crime

The LAPD actively supports legislation designed to address violent crimes and/or criminals. In November of 2004, Californians passed Proposition 69, which currently requires that a DNA sample be taken from all adults and juveniles who are arrested for, or charged with, specified crimes. In 2009, Proposition 69 will require all felons, regardless of the crime, to provide a DNA sample. These DNA samples will then be entered into the statewide DNA database.

Proposition 69 creates a need for additional resources to ensure that its mandates are effectively and promptly implemented. A paucity of personnel and appropriate funding will significantly reduce the crime-fighting impact this type of legislation was designed to provide. According to the California DOJ, an astounding 176,220 unanalyzed DNA samples were backlogged as of January 31, 2007. The statistics are equally abysmal on the national level. The National Institute of Justice (NIJ) estimates that the current backlog of rape and homicide cases is approximately 350,000. Preliminary estimates from 2003 by NIJ place the number of collected, untested, convicted offender samples

between 200,000 and 300,000. The NIJ also estimates that there are 500,000 to 1,000,000 convicted offender samples that are owed, but not yet collected.

This alarming number of backlogged cases translates to more murderers, rapists, and child molesters operating freely throughout our communities and neighborhoods. The LAPD recognizes the serious implications of the backlog and beseeches the federal government to provide swift and effective intervention and support for this issue.

Not only is LAPD a leader in the enforcement of gun laws and the targeting of gun crime, it is also a leader in supporting gun and ammunition legislation. The LAPD supports Assembly Bill 352, which requires the microstamping of all firearms. It is the belief of the LAPD that this innovative strategy will deter gun-related crime and enhance law enforcement's ability to apprehend those who engage in it.

Firearms are generally obtained in a legal manner by law abiding citizens, but on occasion, make their way, sometimes by theft to criminal offenders. Firearms generally have the manufacturer's name, serial number, model, and caliber stamped on the weapon. The manufacture and original sale of a weapon are traced by the ATF. When a weapon is recovered, law enforcement has a starting point to determine: from where the weapon was shipped; from which gun dealer the weapon was originally sold; and, to whom the weapon was sold.

Expended casings left behind can prove to be valuable evidence in many violent crimes involving gangs. In 2006 alone, LAPD officers recovered and booked 5,703 casings. In many incidences, those casings were the only evidence recovered. While comparing the cartridge marking left by a particular weapon on a recovered casing is also an investigative starting point, a weapon must be recovered to perform this comparison.

There is currently no identification system in place to track ammunition. The volume of ammunition sold is so much larger than the number of firearms sold that it would be impractical to serialize all ammunition and track each sale. If each firearm were equipped with a mechanism that microstamped each to identify the make, model, and serial number of the firearm, law enforcement would have an additional investigative starting point from which to identify the suspect in the many aggravated assaults and murders that occur everyday in cities across the nation. Without microstamping, there is no significant follow up on an expended cartridge until a weapon is recovered and its markings are matched to recovered cartridges.

Microstamping will support and enhance law enforcement's ability to reduce violent crime. Not only is this information compelling evidence in any subsequent legal proceeding, but it also has a significant investigative application and can be a powerful tool to quickly identify possible suspects. Armed with the information that the casings recovered at the crime scene were irrefutably fired from a particular firearm, the investigation can move swiftly forward on several levels. This bill will provide an additional investigative avenue by pursuing the suspect through firearm ownership, in

addition to the traditional methods of identification. Microstamped shell casings will be especially useful in criminal investigations where there are no known witnesses. Microstamping can connect the weapon (and possibly the shooter) with other unsolved crimes.

Microstamping is an important request when one considers the number of injuries and lives lost due to the criminal use of firearms. Individuals engaging in blatant and callous attacks on innocent persons would be less likely to commit a drive-by shooting or a robbery if they realized that the casings that they normally leave behind would need to be gathered up to minimize their chance of apprehension. Those not reaching this conclusion will more likely be arrested for their crime because law enforcement would have one more tool at its disposal.

The Los Angeles Police Department fully supports legislation that requires microstamping on all firearms. This type of legislation is yet another investigative tool that will enable law enforcement to more quickly identify, apprehend, and prosecute violent criminals who seek to undermine and destroy the safety of our communities.

CONCLUSION

The LAPD considers it an honor and privilege to share some of its efforts as well as its perspective on crime with the honorable members of the House Judiciary Committee. As it is our collective goal to achieve a nation free from crime and public disorder, it is the LAPD's hope that the Committee lends its support and funding to address the increase of violent crime that plagues this nation.

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More COPS

By John J. Donohue III and Jens Ludwig

ABSTRACT

It would be unrealistic to expect crime to continue dropping sharply as it did in the 1990s, but that is no reason to undermine the progress brought by successful policies. With recent FBI data showing crime on the rise, it is time to reconsider the massive de-funding of one of the most successful federal anti-crime measures of the 1990s: the U.S. Department of Justice's Office of Community Policing Services (COPS) program. The program, authorized by the Violent Crime Control and Law Enforcement Act of 1994, provides grants to state and local police to hire additional officers and adopt aspects of "community policing."

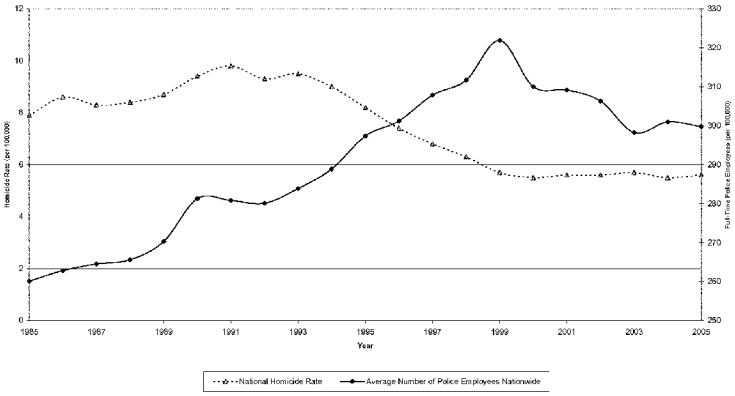
The COPS program distributed nearly $1 billion in hiring grants to state and local police in each fiscal year from 1995 to 1999. Yet the amount of COPS funding allocated to helping state and local departments hire more police has declined dramatically over the past several years. The funding allocated for this purpose in fiscal 2005 was just $5 million. COPS has been effective in putting more police officers on the street. The best available evidence suggests that more police lead to less crime. Thus, COPS appears to have contributed to the drop in crime observed in the 1990s.

Given that the costs of crime to American society are so large - perhaps as much as $2 trillion per year - even small percentage reductions in crime can reap very large benefits. Our calculations suggest restoring the $1.4 billion COPS budget that prevailed in fiscal 2000 is likely to generate a benefit to society valued from $6 billion to $12 billion. COPS appears to be one of the most cost-effective options available for fighting crime.

Introduction

FBI statistics suggest that violent crime rates increased from 2004 to 2005, and continued to climb through at least the first half of 2006. The massive drop in violent crime witnessed in the 1990s, when homicide rates declined by nearly 45 percent, has stalled since the turn of the millennium (Figure 1). As the Washington Post noted in a front-page article in December 2006, "the historic drop in the U.S. crime rate has ended and is being reversed."

Figure 1



It is in our view no coincidence that violent crime rates were declining during the 1990s when the number of police patrolling U.S. streets was on the rise (shown in Figure 1 by the number of police per 100,000 people), and that the crime drop has stalled as the number of police per capita has declined. The increase in police spending during the 1990s was driven in part by the federal government's new COPS program, which distributed nearly $1 billion in hiring grants to state and local police in each fiscal year from 1995 to 1999. Yet the amount of COPS funding allocated to helping state and local departments hire more police has declined dramatically over the past several years; the total amount of funding allocated for this purpose in 2005 was equal to just $5 million (see: http://www.cops.usdoj.gov/mime/open.pdf?Item=1611).

A funding cut of 99.5 percent for police hiring under COPS would make sense if the program were ineffective or inefficient, but this is not the case. The best available

research suggests that putting more police officers on urban streets is one of the most cost-effective ways to reduce crime.

COPS and Cops

Demonstrating the desirability of the COPS program requires that we establish a number of propositions. First, in order for the COPS program to reduce crime successfully in the United States, COPS hiring grants to state and local law enforcement agencies need to actually translate into more police officers on the street. This need not be the case, since as with any government program many things can go wrong. Money might be mismanaged or misspent. State and local police departments might be unable to recruit and train enough new police officers, particularly when the labor market is tight, as it was in the 1990s. Or jurisdictions that receive a grant from the federal government to hire more police might simply reduce their own financial contributions to the police department by the exact same amount.

Yet the best available research suggests that the COPS program was in fact successful in putting more police on the street. A recent report by the Government Accounting Office estimated that in 2000, the peak year of COPS hiring grants, the program funded around 17,000 sworn officers, equal to around 3 percent of the total number of sworn police officers across the country. A study by economists William Evans and Emily Owens at the University of Maryland suggests that state and local law enforcement agencies do reduce somewhat their own budgets for hiring in response to COPS grants, but that on average each extra 10 officers paid for by a COPS grant increases the size of the agency's police force by seven officers. Accounting for the partially offsetting behavior by state and local government suggests that COPS increased the total number of police officers on the street in the peak year of 2000 by 11,900 officers, equal to around 2 percent of the total police force in the country that year.

COPS and Crime

The second proposition – that more police on the streets leads to lower crime – would appear to be obviously true. But substantial social science research at one point seemed to challenge this proposition. The skeptics concerning police effectiveness pointed out that the police very rarely arrest someone who is in the middle of committing a crime. Even the very best police departments require several minutes to respond to a 911 call for help – which is usually enough time for criminal perpetrators to flee the scene. And of course with many violent and property crimes the victims themselves are unable to report the crime to the police until after the crime has been completed. As President Clinton was advocating the need for 100,000 more cops on the street in 1994, one prominent academic skeptic on police effectiveness (David Bayley) wrote: "The police do not prevent crime. This is one of the best kept secrets of modern life. Experts know it, the police know it, but the public does not know it. Yet the police pretend that they are society's best defense against crime and continually argue that if they are given more resources, especially personnel, they will be able to protect communities against crime. This is a myth."

Despite the plausibility of the view that stepped-up policing might reduce crime by increasing the chances that an offender is successfully identified, arrested and punished after the fact, many criminologists were primed to endorse Bayley's

conclusion. These criminologists are skeptical about the whole idea of deterrence, noting that many would-be offenders are likely to be unaware of changes in policing intensity, while even those who are aware of stepped-up policing may be undeterred because they are drunk, destitute, enraged or deranged. Economists usually respond that more police spending can still reduce aggregate crime rates, even if many crime-prone people are unaware or unaffected by the policy change. All that is required is that at least some people at risk for committing crime realize and respond to the change in a local policing environment. Moreover, economists usually believe that criminals will be more responsive to changes in punishment certainty than severity, in part because people generally tend to be more focused on events that happen close in time rather than in the distant future. This implies that to the extent to which criminals can be deterred, stepped-up policing that increases the chances offenders are punished at all may be a more effective use of resources than handing out ever longer prison terms.

Progress in the science of econometrics has played an important role in providing a better answer to the important empirical question of the impact of police on crime. The key difficulty to generating good econometric estimates of this impact stems from the fact that police are not randomly distributed across municipalities in America. Big-city mayors are usually more worried about crime than their counterparts in charge of affluent suburban communities, and set their police budgets accordingly. But the fact that high-crime cities spend more on police per capita on average than do lower-crime jurisdictions does not mean that police cause crime, in the same way that the increased prevalence of sick people in doctor's offices does not mean that modern medicine causes bad health outcomes. Even comparing how crime changes within a given jurisdiction when police spending goes up may be problematic, since additional resources are often devoted to police departments when crime rates are increasing.

Only recently have social scientists been able to make real headway in untangling this causal relationship, with the best available studies now suggesting that increasing the number of police on the streets will in fact reduce crime. One of the best of these studies is by University of Chicago economist Steven Levitt,, who examines what happens in cities that increase police spending for reasons unrelated to what else is going on with local crime trends, for example because of stronger public service unions. Levitt's estimates suggest that each 10 percent increase in the size of the police force reduces violent crime by 4 percent and property crimes by 5 percent. The 2 percent jump in the number of police generated by COPS should reduce violent crimes by about 0.8 percent and property crimes by about 1 percent. Other studies that have followed Levitt's strategy of seeking natural experiments to generate valid estimates of the effectiveness of police in reducing crime typically find qualitatively similar results.

Note that Levitt's estimates reflect what happens to crime when cities put more police on the street and continue to deploy them in the usual way. Other research in criminology and economics suggests that the effectiveness of police resources might be enhanced further by targeting police attention at the highest-risk people or places, such as crime "hot spots" or gang members, or focused on the highest-cost parts of the crime problem, such as gun violence. These are the types of responses that the COPS Office promotes, and so the effects of increased police presence funded by the COPS program could in principle be somewhat larger than Levitt's estimates might imply.

Several recent studies that attempt to directly evaluate the effects of the COPS program suggest that the COPS resources may indeed have been effectively targeted to generate such greater crime reductions. One of the best of these COPS evaluations is by University of Maryland economists William Evans and Emily Owens. Their estimates suggest the 2 percent increase in police under COPS led to a 2 percent decline in violent crime and a 0.5 percent reduction in property offenses. A recent study by the GAO yields qualitatively similar findings, suggesting that the COPS program contributed to a 2.5 percent decline in violent crime rates and a 1.3 percent decline in overall crime rates from 1993-2000.

These calculations imply that the COPS program is helpful but can account for no more than a small share of the massive proportional decline in violent crime rates observed throughout the United States during the 1990s. Other factors were even more important, including the increased spending on police that state and local governments undertook on their own, a massive increase in the nation's incarceration rate, and the waning of the crack cocaine epidemic. The legalization of abortion in the early 1970s may have also contributed to the crime drop of the 1990s by reducing the share of adolescents and young adults who were brought up in disadvantaged household environments. Other politically controversial public policies, such as new gun control measures, liberalized gun-carrying laws, and increased application of the death penalty, do not appear to have contributed to the crime drop.

In any case, the right standard for judging whether COPS is a success is not whether the program can account for a "large" share of the crime drop in the 1990s. The key issue instead is whether the independent effects of the COPS program to reduce crime is large enough to justify the program's budget. We turn to this third point next.

The Benefits and Costs of COPS

Given the dramatic costs that crime imposes on society each year, COPS appears to be an extremely sound investment from society's perspective. For a recent hearing of the Senate Judiciary Committee, one of us (Ludwig) updated previous estimates for the costs of crime in the United States compiled by economists David Anderson of Centre College and Mark Cohen of Vanderbilt University. These new calculations suggest that the total costs of crime to American society each year may be on the order of $2 trillion. Of this total, nearly $700 billion come from costs to victims, of which around $490 billion comes from serious violent crimes (nearly $180 billion from homicides alone). Additional costs to society from crime come from the approximately $350 billion worth of time and goods dedicated to protecting against crime by private citizens and firms as well as government agencies, $250 billion from the lost value of criminals' time spent planning crimes or in prison, and the remaining $700 billion or so is from costs imposed by white collar or economic crimes.

Can the costs of crime to American society really be nearly $2 trillion, equal to around 17 percent of Gross Domestic Product (GDP)? Note that because this figure includes intangible as well as tangible costs, the implication is that crime reduces our quality of life by the equivalent of 17 percent of GDP (rather than accounts for 17 percent of actual GDP). In addition to the obvious monetary costs, crime changes the way we all live our lives. For example, economists Julie Cullen of the University

of California at San Diego and Steve Levitt of the University of Chicago find that each additional homicide in a city causes around 70 residents to move elsewhere. NYU economist Amy Schwartz and her colleagues estimate that fully one-third of the increase in property values in New York City over the 1990s may be due to a decline in that city's crime rate.

Given these enormous costs of crime, even a very small reduction in crime can generate benefits to society that outweigh the costs of more COPS funding. More specifically, suppose that COPS funding were restored to 2000 levels, which would require a total of about $1.4 billion in today's dollars for hiring grants to state and local law enforcement agencies. How much crime reduction benefit would we buy with this $1.4 billion annual payment? The calculations above suggest that the new COPS funding would reduce the roughly $500 billion violent crime cost by 1 or 2 percent and the $200 billion property crime cost by 0.5 to 1 percent. In total, these crime savings sum to between $6 and $12 billion. These calculations are conservative in the sense that we assume other costs of crime, such as preventive measures against crime by government and private citizens, are totally unaffected by marginal declines in crime. But even under this somewhat conservative approach, our calculations suggest that adding $1.4 billion in funding for the COPS program would avert between $6 and $12 billion in victimization costs to the American people.

Conclusion

The past several years have seen an increase in violent crime in America after many years in which the crime rate declined dramatically. Crime is a complex phenomenon, and the end of the crime drop is surely due to many different factors. But one contributing explanation in our view is the decline in police spending in the United States, including cuts to the budget of the federal COPS program.

Despite a long debate among social scientists about whether increased spending on police reduces crime, we believe the best evidence currently available strongly suggests that restoring funds for the COPS program will be a highly cost-effective way to reduce crime. At the same time that the COPS budget has declined, the Bush Administration devoted substantial new resources through Project Safe Neighborhoods (PSN) to, among other things, handing out gun locks as well as longer federal prison sentences to eligible gun offenders. Judging from previous research studies that we and others have conducted, we conclude that these activities are unlikely to have much impact on crime. Redirecting resources from PSN to COPS would be a step in the direction of restoring previous COPS funding and help reduce crime in America without requiring new government spending.

But more importantly, COPS represents one example where government spending can be even more efficient than private sector spending, so raising new tax revenues to expand the program may be justified. Like most economists, we are amazed at the efficiency and productivity of private market activities in most areas. However, in some special cases increased government spending can actually enhance efficiency, even if the higher tax revenues that are required cause some modest decline in private-sector economic activity. Policing is a classic example since this is what economists call a "public good." Private sector firms will have a hard time providing police patrol services to communities because even community residents who do not sign up for the firm's protection will benefit from having patrols serving

other neighborhood residents. The fact that some gated communities compel residents to contribute towards private security simply serves to reinforce our argument.

The efficiency of increasing federal spending on the COPS program is suggested by the very high ratio of benefits to costs suggested by our calculations. We estimate that each additional dollar devoted to the COPS program may generate somewhere in excess of $4 to $8.50 in benefits to society. The relative benefits to costs of COPS are extremely high compared to other government programs, making COPS one of the most attractive federal expenditure programs available – not just for tackling crime, but for any governmental purpose.

These facts suggest two final points. First, the high returns of the COPS program suggest that some thought should be given to increasing funding beyond the level in 2000. Optimal allocation would suggest that COPS spending should be increased until the marginal gains of the last dollar spent fall to $1. Second, while we think the case for restoration of the funding is unassailable, we should also stress that there are some advantages to having this funding emanate from the federal government rather than through local or state sources. The reason is that the federal government alone has the power to run budget deficits, thereby avoiding the undesirable consequence of decreasing in funding for police when the economy turns down and state and local revenues decline.

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RESOLUTION
URGING CONGRESS TO ENACT LEGISLATION
PROVIDING FOR STUDENT LOAN FORGIVENESS

WHEREAS, the National District Attorneys Association represents state prosecutors throughout the United States. There are approximately 2,343 state court prosecutor offices in the United States employing approximately 26,500 attorneys; and

WHEREAS, experienced and qualified prosecutors and public defenders are essential to the administration of justice at the local, state and federal level; and

WHEREAS, state prosecutors are public service employees; and

WHEREAS, the starting salaries for lawyers employed in public service on average are fifty percent (50%) below the starting salaries of lawyers with comparable experience who are employed as associates in private law firms; and

WHEREAS, in order to afford the cost of attending law school, most students must obtain student loans; and

WHEREAS, the Federal Stafford Loan is the largest source for such student loans; and

WHEREAS, nationwide, the average law school graduate will accumulate a student loan debt of over $79,000.00; and

WHEREAS, in many cases, the student loan debt will be in excess of $100,000; and

WHEREAS, recent law school graduates are prevented from accepting jobs in the public sector because their monthly debt payments exceed $900.00 per month; and

WHEREAS, the relatively low salaries in public interest and government offices, coupled with high education debt, place the potential government and public interest employee in an untenable financial situation; and

WHEREAS, in 1990 Congress amended Section 465(a)(2) of the Higher Education Act of 1965 to authorize a loan cancellation for Federal Perkins loan borrowers who become full-time law enforcement or corrections officers servicing local, State or Federal agencies, which has been interpreted to include prosecuting attorneys; and

WHEREAS, limits on the amount of funds that are available to individual students under the Perkins loan program limit the effectiveness of that program as it applies to law students; and

WHEREAS, federal law currently provides that certain subsidized and unsubsidized Federal Stafford Loans are eligible for service-cancellation benefits primarily for teachers and for certain medical fields that Congress has determined to be critical fields of study; and

WHEREAS, the National District Attorneys Association has determined that student loan forgiveness is of great concern for prosecutor's offices.

NOW THEREFORE BE IT RESOLVED BY THE NATIONAL DISTRICT ATTORNEYS ASSOCIATION that the Association urges the Congress of the United States to enact legislation amending the Federal Stafford Loan program so as to provide service-cancellation benefits for both prosecuting attorneys and public defenders, who serve in public interest positions in the criminal justice system.

Adopted by the Board of Directors, November 23, 2002 (Austin, TX)
2002.07FAL

A NATIONAL EVALUATION OF THE EFFECT OF COPS GRANTS ON CRIME FROM 1994 TO 1999*

by

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EXECUTIVE SUMMARY

This research empirically examines the contribution that funding provided by the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS) has had on the decline in United States crime rates from 1995 to 1999. Furthermore, it examines if this effect is different for very small versus larger jurisdictions. Six-years of panel data (1994 to 1999) was assembled to assess the effect of COPS funding has had on crime rates while controlling for other factors that could influence the relationship. COPS funding data was combined with Uniform Crime Report (UCR) data, 1990 U.S. Census data, and Labor Statistics data. A total of 6,100 cities are included in the study sample, accounting for more than 145 million Americans living in urban areas in the United States.

Primary findings suggest that after controlling for other factors, COPS hiring initiatives have resulted in significant reductions in local crime rates in cities with populations greater than 10,000. It also shows that COPS innovative grant programs have had significant crime reducing effects for the entire population of COPS grantees. Both of these negative relationships are found for violent and property crime. Multivariate analysis shows that in cities with populations greater than 10,000 an increase in one dollar of hiring grants per resident contributed to a corresponding decline of 5.26 violent crimes and 21.63 property crimes per 100,000 residents. In addition, for the entire sample, an increase in one dollar of innovative grant funding per resident has contributed to a decline of 12.26 violent crimes and 43.85 property crimes per 100,000 persons. Census data indicates that over 90% of persons in the United States live in places with populations greater than 10,000. Thus, COPS hiring grant programs appear to have a significant crime reducing effect on the vast majority of the population of the United States. In addition, COPS innovative grant programs appear to produce a strong reduction in crime for all COPS grantees included in the study.

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1. PURPOSE OF THE PROJECT

Crime rates have dropped significantly in most large U.S. cities since the mid-1990s. While there is considerable speculation about the origins of this decline, one explanation credits the recent implementation of community oriented policing funded principally through the Office of Community Oriented Policing Services (COPS). The direct involvement of the COPS Office in providing funding for over 100,000 community police officers may have significantly contributed to this crime decrease. Unfortunately, on a national level, the extent to which this is the case is largely unknown. This is due to the fact that much of the research designed to assess the impact of COPS programs on crime is either limited to individual programs or to individual cities. Thus, although statements can be made regarding the impact of particular COPS Office programs or the effect of COPS funding in particular cities, the overall impact at the national level has yet to be empirically assessed. This study seeks to fill this void by answering two important questions: 1) To what extent has COPS Office funding contributed to declining U.S. crime rates from 1995 to 1999? and 2) What is the effect for very small cities when compared to larger ones? To answer these questions, a multi-wave panel data set featuring 6,100 cities and accounting for a total population of over 145 million Americans living in the United States was assembled and included in multivariate statistical models.

First, a brief overview of the COPS Office is provided, followed by a review of the literature on the causal relationship between police and crime reduction. Methodological considerations are then described, including model specification and operationalization of the dependent and independent variables. Finally, the major findings of the research are discussed.

2. THE COPS OFFICE

Community policing has become a dominant force behind contemporary police innovations designed to reduce crime throughout the United States. Since the mid-1990s, community policing has enjoyed widespread acceptance and adoption by law enforcement agencies.[1] Perhaps the key event facilitating the implementation of community policing in recent years has been the strong endorsement of this concept by the Federal government, and specifically, the passage of The Violent Crime Control and Law Enforcement Act (the Crime Act) in September, 1994. Title I of the Crime Act, known as the "Public Safety Partnership and Community Policing Act of 1994" authorized the use of $9 billion to fund local law enforcement agencies in the fight against crime through the enhancement of their community policing capabilities. To carry out this task, the U.S. Department of Justice created a new agency—the Office of Community Oriented Policing Services (the COPS Office)—to administer and supervise new grant programs resulting from the act.[2]

[1]For a review, please see: Zhao, J., N. Lovrich, and Q. Thurman. 1999. "The Status of Community Policing in American Cities: Facilitators and Impediments Revisited." Policing: An International Journal of Police Strategies and Management 22:74-92.

[2]Roth, Jeffrey and Joseph Ryan. 2000. "Overview" In Jeffrey Roth et al. (Eds.) National Evaluation of the COPS Program: Title I of the 1994 Crime Act. Washington, DC: U.S. Department of Justice.

Over the past eight years, the COPS Office has awarded grants to law enforcement agencies for over 7 billion dollars, providing funding for over 110,000 community police officers. COPS Office grants can be categorized into three general groups that will be examined in this study:[3] hiring grants, MORE grants, and innovative grants. Hiring grants are designed to directly assist local law enforcement in the hiring of community police offices. The primary hiring grant program is the Universal Hiring Program (UHP). Smaller precursor hiring programs include: PHASE 1, the Accelerated Hiring, Education, and Deployment Program (AHEAD), the Funding Accelerated for Smaller Towns Program (FAST), and the Police Hiring Supplement Program (PHS). In each of these programs the COPS Office contributes a maximum of 75% of the cost of hiring a law enforcement officer, up to $25,000 per year, for a period of three years.[4] The purpose of these grants is to increase the number of law enforcement officers engaged in community policing activities in their communities. To date, COPS has awarded approximately $5.4 billion dollars in hiring grant programs to law enforcement agencies.

The second category of grants is the Making Officer Redeployment Effective (MORE) grant program that provides funding to law enforcement agencies to acquire new technology and civilian personnel.[5] The technology is designed to increase officer effectiveness and efficiency. Civilians are hired to perform administrative and support tasks previously performed by officers. Both the procurement of technology and hiring of civilians are designed to save officer time so that they can be redeployed to the street to engage in community policing. These two facets of MORE grants (civilians and technology) are significantly different from one another in terms of the time it takes to implement and produce officer time-savings and, therefore, are treated somewhat differently in this analysis, as is discussed later. To date, COPS has awarded approximately 1.2 billion dollars in MORE grants.

The final group of grants is categorized here under the broad heading of innovative grant programs.[6] Overall, innovative grants make up a smaller portion of the COPS budget than either hiring or MORE grants. Innovative grants fund specialized programs targeted at specific jurisdictions and/or categories of crime and social disorder. The Distressed Neighborhoods Grant Program is one example of an innovative grant program targeted at specific jurisdictions. This program provided funds for eighteen jurisdictions that were identified by the

[3] The COPS Office also provides funding for a number of training and technical assistance grant programs designed to enhance the community policing abilities of local law enforcement. These grant programs include the funding of Regional Community Policing Institutes and the production of technical assistance guidebooks and evaluations of community policing programs. These programs are not examined here and account for a relatively small portion of the overall COPS budget.

[4] In certain circumstances, the COPS Office has provided agencies with waivers. In these cases, COPS covers all or a portion of the 25% local match. This does not influence the results because the total dollar amount of COPS funding is still the independent variable.

[5] In 1995, the COPS Office provided a small portion of funds from the MORE program to fund officer overtime. These funds are also included under MORE grants in this analysis.

[6] In this analysis, the following COPS programs are categorized as innovative grant programs 311, Advancing Community Policing Program, Organizational Change Demonstration Centers, Methamphetamine Initiative, Distressed Neighborhoods Program, Community Policing to Combat Domestic Violence, Anti-Gang Initiative, Problem Solving Partnerships, Youth Firearms Violence Initiative, Integrity Initiative, and the School Based Partnerships Program.

COPS Office as having some of the most significant public order and economic challenges in the nation. Cities were directed to analyze various sources of neighborhood level data in order to concentrate community police officers into a relatively small number of high problem areas within their city. The Community Policing to Combat Domestic Violence Program is an example of an innovative program that was designed to target a specific type of problem. Grantees submitted proposals regarding how they would utilize community policing strategies to combat the problem of domestic violence. Unlike other grant programs, innovative grants are typically more competitively awarded and/or are the result of targeted solicitations by the COPS Office. To date, COPS has awarded approximately 661 million dollars in such innovative grant programs. This increase in law enforcement officers, equipment, and innovations funded by the Crime Act unquestionably represents the largest Federal anti-crime legislation in U.S. history. The potential for these programs to effect crime rates is discussed in the following section.

3. RELATIONSHIP BETWEEN POLICE AND CRIME

National crime data reported by law enforcement agencies indicate that crime rates, particularly for violent crimes, have decreased significantly since 1994.[7] Violent crime rates are at their lowest level in the past thirty years, particularly in large metropolitan areas. This gives the impression that community policing, which has increased dramatically during the same period, may have played a role in this crime reduction.[8] The timing of this decrease also seems to suggest that COPS Office grants increasing the number of community police officers and community policing programs has also contributed to this decrease.

Scholars have suggested that community policing in general may be partly responsible for this nationwide decrease in crime. The use of innovative strategies for crime prevention, problem solving, and community partnerships have been found to reduce local crime and social disorder problems.[9] Storefront stations and foot patrol in heavily populated residential neighborhoods or business districts can increase police knowledge of crime problems in addition to providing a greater police presence. Through the mobilization of local community residents, community policing can help to reduce social disorder and crime incidents through information and resource sharing between law enforcement and the

[7] Uniform Crime Reports. 1994 [to 1999]. Washington, DC: Federal Bureau of Investigation.

[8] Evidence for an increase in the amount of community policing can be found in a comparison of the 1997 and 1999 LEMAS Survey. Please see: Bureau of Justice Statistics Special Report. 2001. Community Policing in Local Police Departments 1997 and 1999. Washington DC: U.S. Department of Justice.

[9] For documented evaluations of the effect of community policing on social disorder, crime, and fear of crime in American cities please see: Rosenbaum, D. (Ed.) 1994. The Challenge of Community Policing: Testing the Promises. Thousand Oaks, CA: Sage Publications.; Kratcoski, P. And D. Dukes (Eds.) 1995. Issues in Community Policing. Cincinnati, OH: Anderson Publishing.; Skogan, W. And S. Hartnett. 1997. Community Policing, Chicago Style. New York, NY: Oxford University Press.

community.[10] There are numerous studies and evaluations on the effectiveness of community policing programs across the country, including longitudinal studies, cross-sectional studies, and multiple site evaluations.[11] However, to date there has not been a comprehensive national study of the overall effect of COPS grants (specifically designed to support these community policing efforts) on crime reduction in the United States.

A second explanation for the drop in crime suggests that the mere presence of additional officers deployed to the street raises the risk of criminal detection and, thus, increases the cost of committing crime. Classical deterrence theory posits that if criminal offenders or potential law violators are rational, an increase in police presence will deter them from committing crimes. Deterrence theory seems straightforward with regard to explaining how crime might be reduced. However, research on the deterrent effect of police presence on crime has been far from conclusive. Over the past thirty years there has been a rich body of literature that has accumulated, but the findings are mixed. For example, the author of one well-cited study on the relationship between police and crime at the state level concluded that, "...law-enforcement activity has a deterrent effect on offenders that is independent of the preventive effect of imprisonment." [12] However, an equally well known study examining police employment and crime rates in 269 cities in 1960 and 1970 led the researchers to conclude that "We find no evidence in our data that police employment reduces violent or property crime."[13]

In a recent, more sophisticated study on the relationship between police and crime, the findings indicate that each additional officer at the city level results in approximately 24 fewer crimes, including 0.2 homicides, 0.7 robberies, and 3.2 burglaries.[14] In a recently published review of the literature, researchers were able to locate 27 studies of the impact of police on violent crimes (murder, rape, robbery, and aggravated assault). Of the 89 different tests used in these studies, forty-four (49.4%) found that crime was not affected by policing levels, twenty-seven (30.3%) reported a positive relationship between crime and police, and eighteen (20.2%) found a negative relationship between police and crime.[15]

At least three major weaknesses are evident in previous research regarding the relationship between police levels and crime rates. First, research about the impact of policing levels on crime has often failed to control for extraneous factors that may be correlated with both increases in the number of police officers and increases in crime rates, such as local politics, or fluctuation in the local economy of cities. Second, studies typically only

[10]For a review of community policing strategies and innovative programs, please see: Cordner, G. 1997. "Community Policing: Elements and Effects." In D. Dunham, and G. Alpert (Eds.) Critical Issues in Policing. 3rd Edition. Prospect Heights, IL: Waveland. Pp.451-68.

[11]Cordner, 1997. Ibid.

[12]Ehrlich, Isaac. 1972. "The Deterrent Effect of Criminal Law Enforcement." Journal of Legal Studies 1:259-276. p.274

[13]Greenberg, David, Ronald Kessler, and Colin Loftin. 1983. "The Effect of Police Employment on Crime." Criminology 21:375-394. p.385.

[14]Marvell, Thomas and Carlisle Moody. 1996. "Specification Problems, Police Levels, and Crime Rates." Criminology 34:609-646. p.632.

[15]Eck, John and Edward Maguire. 2000. "Have Changes in Policing Reducing Violent Crime? An Assessment of the Evidence." In Alfred Blumstein and Joel Wallman (Eds.) The Crime Drop in America. New York, NY: Cambridge University Press. p.214.

examine a small number of cities and are often not generalizable to the entire nation. Even studies of variation in crime rates and police presence at the county level are not applicable to all cities within counties. Finally, the causal ordering of the variables frequently cannot be determined. Some researchers have argued that rising crime may in fact impact police hiring practices and not visa-versa.[16] Cross-sectional analysis among a number of different cities does not address this basic issue of whether or not an increase in the number of police officers has an impact on crime rates or if crime rates have an impact on the number of officers. To date, there have only been four studies that used two or more waves of panel data at the city level to examine this relationship. One study examined a sample of 56 cities for a period of 21 years and found that additional police officers had a significant negative impact on local crime rates.[17] A discussion of all four panel studies can be found in Eck and Maguire_s review of the literature.[18]

4. METHODOLOGICAL CONSIDERATIONS

The Data

The data used in this analysis was derived from four sources. The first source is the Uniform Crime Reports (UCR) published annually by the Federal Bureau of Investigation. UCR data is a nationwide effort to collect data from approximately 17,000 state, county, and city law enforcement agencies voluntarily reporting crimes that have been brought to their attention. This data on "crimes known to police" contained in the UCR from 1994 to 1999 were downloaded from the ICPSR website at the University of Michigan, a data collection warehouse where they are stored. The Part I index crimes reported by the UCR includes eight categories of crime reported from 90% of law enforcement jurisdictions regularly providing such local crime data to the FBI and are typically thought to contain the most serious forms of criminal activity. Part I crimes include four categories of violent crime (murder, rape, robbery, and aggravated assault) and four categories of property crime (burglary, larceny, auto theft and arson). All of these crimes with the exception of arson are included in this analysis. Arson was excluded because it was not available for all of the study years.

A second source of data was the dollar amount of grants awarded to individual law enforcement agencies from the COPS Office from 1994 to 1998. As stated earlier, COPS grants are broken down into three general categories—hiring grants, innovative grants,

[16]For a review, see: Marvell, Thomas and Carlisle Moody. 1996. "Specification Problems, Police Levels, and Crime Rates." Criminology 34:609-646.

[17]Marvell and Moody, 1996. Ibid.

[18]Eck and McGuire, 2000. Ibid.

and MORE grants. In the original data provided by the COPS Office, there were 12,070 law enforcement agencies that received funding from 1994 to 1998. Because the other sources of data (UCR, Census, and Labor Statistics) are collected at the local level, and to avoid overlap between agency jurisdictions, only local police departments are included in the analysis; the following types of agencies are excluded: state police agencies, county police agencies and sheriff's offices, university/college police departments, and special purpose law enforcement agencies like court police, forest police, park police etc. This left 7,179 local city police agencies in the sample.

Demographic information at the city level was also included from the 1990 U.S. Census. Census data was obtained directly from the U.S. Census Department. Finally, unemployment information (1994 to 1998) was obtained from the Department of Labor Statistics. The Labor Department collects annual employment data in cities with populations greater than 25,000. County level unemployment data from the same source was used for cities with populations less than 25,000.

Dependent Variables

The two dependent variables employed in the analysis are violent and property crime rates per 100,000 population. These standardized measures are consistently used by the FBI in the UCR. Consistent with the UCR format, the violent crime rate reflects the sum of the incidences of four crimes (murder, rape, robbery, and aggravated assault) divided by each city's population multiplied by 100,000. The property crime rate reflects the sum of the incidences per 100,000 for three crimes—burglary, larceny, and auto theft.

Independent Variables

There are three independent variables used in the analysis, represented by the specific grant categories: hiring grants, innovative grants, and MORE grants. The total amount of each type of grant funding received by a city in each calendar year (1994-1998) is divided by the city's population so that the total for each type of grant program is standardized to indicate the dollar amount received per year, per resident for each city. In addition, the total dollar amount of COPS funding is adjusted to 1994 dollars using the Consumer Price Index. There were a total of 7,179 local city police departments that were funded by the COPS Office from 1994 to 1998. 535 cities with populations less than 1,000 were excluded from the analysis. These cities were excluded from the analysis since data regarding these very small cities appears inaccurate and fluctuates widely to the extent that these variations make the results unstable over time. For example, Lakeside, Colorado (population=11), did not report any violent crime incidents in 1996, but reported 12 violent crime incidents in 1997. The crime rate per 100,000 for this city rose to 109,090 (12/11*100,000). An additional, 544 cities were deleted in the panel data due to the lack of UCR crime data.[19] Therefore, the total number of cities in the full sample is 6,100. Because of the panel design the cities are

[19] Four states Delaware, Illinois, Kansas, and Montana were not included in the analysis due to missing UCR data, except for the following cities: Aurora, Chicago, Rockford, Springfield, Illinois; Dover, Delaware; Havre, Montana, and Topeka, Wichita, Kansas.

tracked across the six years resulting in a total of 36,605 observations.

There are three additional specifications for the independent variables. First, the three COPS grant independent variables (hiring grants, MORE grants, and innovative grants) were lagged by one year when their impact on crime was analyzed. This one-year lag provides time to hire officers, procure technology, and implement innovative programs so that they can affect crime. Therefore, COPS Office funding data used is from 1994 to 1998, and the UCR crime data is from 1995 to 1999. It should be noted that MORE grants typically take longer than one year to implement. Therefore, using the one-year lag for evaluation purposes is somewhat inaccurate.[20] Second, because hiring grants are intended to hire officers over a three-year period, hiring grants awarded to police departments are allocated over that period in a declining rate according to the following factors: 38% for the first year, 34% for the second year, and 28% for the third year.[21] Finally, although MORE grants are designed as one-year grants, agencies typically take a longer period of time in order to procure the technology, make it operational, and train officers in its use. Therefore, the technology portion of the MORE grants was spread out over a period of three years to compensate for this fact according to the following allocation: 36% for the first year, 36% for the second year, and 28% for the third year.[22] Since civilians are typically hired within one year of the grant, the dollar amount awarded for the civilian portion of the MORE grant is lumped into one year—the year in which the award begins. Thus, the MORE funding variable used in this analysis is calculated in the first year as the sum of the civilian portion of the grant plus 36% of the technology portion of the grant. In the second year, 36% of the technology portion of the grant is used, with the remaining 28% of the technology portion allocated to the final year.

Control Variables

The 1994 crime rate is included as a control variable in this analysis. Inclusion of the 1994 crime rate allows for the analysis to be standardized to examine the change in crime rates since 1994. 1994 is also the point at which communities began receiving federal funds from the COPS Office and controlling for the crime rate at this time enables the analysis to focus on the period after the creation of the Office.

Six other control variables designed to account for the socioeconomic health of communities are also included. Social disorganization theory developed by Shaw and McKay provides a theoretical framework for the inclusion of these variables in this analysis.[23] Scholars of social disorganization theory argue that unique socioeconomic characteristics of

[20] Because of missing data that would result because of the loss of panel data year observations, the use of greater than a one-year lag was not possible.

[21] These numbers are based on COPS Office recommendations regarding how agencies spend money over the three-year period.

[22] This allocation method was based on an analysis of the average actual spending patterns of police departments who have received COPS MORE grants.

[23] For a discussion and testing of social disorganization theory see: Shaw, C., and H. McKay. 1972. Juvenile Delinquency and Urban Areas. 3rd ed. Chicago, IL: University of Chicago Press.; R. Bursik. 1988. "Social Disorganization and Theory of Crime and Delinquency: Problems and Prospects." Criminology 26:519-551.; Sampson, R. 1985. "Neighborhood and Crime: The Structural Determinants of Personal Victimization." Journal of Research in Crime and Delinquency 22:7-40.; Sampson, R. and W. Groves. 1989. "Community Structure and Crime: Testing Social Disorganization Theory." American Journal of Sociology 94:774-802.; Smith, D., and R. Jarjoura. 1989. "Social Structure and Criminal Victimization." Journal of Research in Crime and Delinquency 25:27-52.

communities are closely associated with local crime problems. Specifically, there are three primary socioeconomic dimensions that merit empirical scrutiny.[24] The first dimension is community heterogeneity. In this study, heterogeneity is represented by the percentage of minority residents in a community. The second dimension is the socioeconomic status of the community and is measured by four variables: percentage of unemployment, percentage of single parent households, percentage of young people between the ages of 15 to 24, and percentage of home ownership. The final dimension is community mobility and is indicated by the percentage of people having lived in the same house since 1985.

The Statistical Model

A two-factor fixed effect model is used to analyze the effects of COPS funding on crime reduction. (For a detailed discussion of Statistical Model and Robust Standard error estimates, please see Appendix A.) The "two-factors" allow for the model to control for unobserved systematic (non-random) variation. The "two-factors" are a geographic component represented by the counties that cities reside in, and a time-specific component represented by the six years of data. By including the "first-factors" (the geographic component) through the inclusion of a cross-sectional dummy variable for each county the cities reside in, the difference in crime rates caused by unobserved variance occurring in counties is controlled. An example of this type of unobserved variance would be a regional characteristic that may have an impact on crime patterns (e.g., a subculture of violence or economic/political environment in a certain area) which are not measured. The bias caused by such omitted variables is controlled for in the panel data analysis conducted here.

Similarly, the "second-factor" (the time-specific component) involves the inclusion of year dummy variables that control for those unknown factors impacting crime nationwide that are not accounted for by the other independent and socioeconomic variables. For example, if because of improving economic conditions across the country crime rates are systematically declining, this effect is identified and removed from the estimates. In a cross-sectional analysis (an analysis taking place at only one point in time) both of the "two-factors" identified above would go unobserved, and introduce error into the model. However, in panel data analysis, both of these types of unobserved differences can be identified as systematic and can be statistically removed from the estimates.

Relying upon six-year panel data that tracks individual cities across the time-period has several other advantages. First, the effect of COPS grants on crime reduction can be evaluated over a longer period of time. In past research of this type, few other studies have used panel data comprised of more than two waves. To the best of our knowledge, the current study is the first one to include six years of panel data. Also because of the inclusion of 6,100 police agencies, this study can approximate much of the population of law enforcement agencies in the United States, particularly for larger cities, because virtually all of them are included in the model. Finally, as stated earlier, the highly valuable and unique characteristics of panel data analysis is that it enables the capturing of unobserved (systematic) variation among law enforcement agencies over a period of six years.

[24] For a discussion of variables used to measure the three dimensions of the theory, see: Osgood, D. and J. Chambers. 2000. "Social Disorganization Outside the Metropolis: An Analysis of Rural Youth Violence." Criminology 38:81-115.

Variables Used in the Analysis

The total number of variables on the right side of the equation in each analysis includes: 3 independent variables (hiring grant funding, innovative grant funding, and MORE grant funding), the 1994 crime rate, 6 demographic variables modeled after social disorganization theory, 5 year dummy variables to control for time variance, and 2,674 county[25] dummies to control for geographically located unobserved systematic variation in the panel model (the total number of variables estimated in each panel analysis is 2,689).

5. FINDINGS

Descriptive Analysis

The descriptive statistics for the full sample can be found in Table 1. As to be expected the mean averages for both violent and property crime rates show that the property crime rate per 100,000 population is much higher than the violent crime rate in the cities studied. Similarly, hiring grant programs are the largest programs funded by the COPS Office with a mean of $2.38 per person during the six-year period followed by MORE grants ($0.65) and innovative grants ($0.42). The demographic variables show that the six-year average of unemployment in the sample was 4.97%. About a third of the residents living in these cities identified themselves as minority (30.4%), and single parent households comprised

Table 1: Descriptive Statistics of the Full Sample (The Mean Average from 1994 to 1999)*

Variables	Mean	Standard Deviation
Dependent variables (1995-1999)		
Violent crime rate (per 1,000,000 population)	769.63	674.50
Property crime rate (per 1,000,000 population)	5016.39	2820.74
Independent variables (1994-1998)		
Hiring grants (per resident)	$2.38	3.72
Innovative grants (per resident)	$0.42	2.45
MORE grants (per resident)	$0.65	1.45
Control variables		
% of unemployment (1994-1998)	4.97	2.17
% of minority (1990 census)	30.40	23.32
% of single parent households (1990 census)	10.59	4.09
% of young people (1990 census)	15.43	4.59
% of home owners (1990 census)	56.92	14.68
% of people in the same house (1990 census)	50.66	10.03
Number of observations in the panel data analysis=36,605		
Number of cities = 6,100		

*The weighted average method is used to estimate the means of COPS grants and control variables.

[25] Initially, we used the city dummies in the analysis. The results showed that the effect of hiring grants is more significant than the use of county dummies for the cities greater than 10,000 population. We would like to use city dummies instead of county dummies in the report if we had city-level time varying demographic variables. Without these time varying demographic variables, the city dummies would wipe out the contribution of all the demograhphic variables (fixed effect). Since the inclusion of demographic variables is theoretically important in the analysis. In addition, no report could only list three independent variables and 6,100 city dummies variables. We decided to take the conservative approach by using county dummies as a compromise.

10.59% of the population. The percentage of young people was 15.43. In addition, 56.92% of the residents reported in the 1990 census survey they were homeowners, and about half of the residents (50.66%) stayed in the same residence during the five years prior to the survey.

Analysis by Population Size

The contribution of COPS grants to reducing crime in larger cities when compared to smaller cities is examined. There are two primary reasons why this population split is necessary in order to obtain a comprehensive picture of the effect COPS grants have had on crime in the United States. First, the literature reveals that the recent decline in crime rates is primarily a phenomena that has occurred in large cities, particularly in several large metropolitan areas of the country.[26] There is virtually no literature available that specifically examines crime rates in very small and rural cities. However, because of these previous findings regarding large cities, it seems logical to suspect that the rate of the crime decrease may vary by city size. Secondly, the literature also suggests that styles of policing and patterns of crime problems differ significantly between small towns and larger cities.[27] However, previous research has not enjoyed the luxury of having such a large sample of police agencies in their analysis, as is the case here. Consequently, the effect of changes in policing on crime in small towns is a largely overlooked area of research.[28] The same criteria used by the UCR was followed so that cities were grouped into two categories: cities with populations less than 10,000 and those with populations greater than 10,000 inhabitants. For several decades, the FBI has only published crime data for cities with populations greater than 10,000. Therefore, two subsamples are created for analysis: cities with populations greater than 10,000 and cities with populations less than 10,000.

The crime rate patterns for both of these groups used in the sample are found in Table 2.

Table 2: City Size and Crime Rates per 100,000 Population (1994 to 1999)

	94	95	96	97	98	99	% Change 94 to 99
Violent Crime Rate							
Cities between 1k to 10k	340	324	291	305	314	297	-12.1%
Cities 10k and up	1003	936	837	788	742	670	-33.2%
Cities 500k and up	1574	1478	1291	1246	1158	1039	-34.0%
Property Crime Rate							
Cities between 1k to 10k	3182	3183	3038	3009	3930	2871	-9.8%
Cities 10k and up	5910	5749	5315	5240	4899	4543	-23.1%
Cities 500k and up	6671	6554	5826	5783	5408	4896	-26.6%

[26]For reviews see: Eck, John and Edward Maguire. 2000. "Have Changes in Policing Reducing Violent Crime? An Assessment of the Evidence.." In Alfred Blumstein and Joel Wallman (Eds.) The Crime Drop in America. New York, NY: Cambridge University Press.; Silverman, E. 1999. NYPD Battles Crime: Innovative Strategies in Policing. Boston: Northeastern University Press.<None>

[27]For research on crime and policing in rural and small towns, please see: Weisheit, R., D. Falcone, and L. Wells. 1999. Crime and Policing in Rural and Small-Town America. Prospect Heights, IL: Waveland Press, Inc.; Thurman, Q. And E. McGarrell. 1997. Community Policing in Rural Setting. Cincinnati, OH.: Anderson Publishing Co.; Weisheit, D., E. Wells, and D. Falcone.1995. Crime and Policing in Rural and Small-Town America: An Overview of the Issues. Washington, DC.: National Institute of Justice.

[28]Langworthy and Travis argue that policing research has traditionally focused on big cities. Langworthy, R. And L. Travis. 1999. Policing in America: A Balance of Forces. 2nd edition. Upper Saddle River, NJ: Prentice Hall.

It is clear that the drop in crime in the U.S. between 1994 and 1999 varied greatly by city size. The pattern for violent crime rates among cities with populations greater than 10,000 closely resembled the pattern for very large cities with populations of 500,000 or more (-33.2% and -34.0% respectively). Further, the decline among these two groups was steady and consistent over the study period. In contrast, small cities (with populations less than 10,000) had a much lower drop in their violent crime rate (-12.1%). A closer look at the crime rate in these small cities reveals that the decline in violent crime primarily took place between 1994 and 1996. These small cities actually experienced an increase in their violent crime rate from 1997 to 1998. Property crime rates reveal a similar pattern. Cities with populations greater than 10,000 had declines in property crime rates similar to very large cities (-23.3% and -26.6%) and much larger than that experience in very small cities (-9.9%).

Moreover, very small cities made up a disproportionate amount of the sample. There were 3,662 cities with populations less than 10,000 and 2,438 cities with populations greater than 10,000 in the sample. However, despite having a much larger number of cities, the total population for the small cities included in the sample was 16,418,000 and for large cities it was 129,093,000. The skewed nature the relationship between the number of cities in the sample and the total population size makes the possibility of an interaction effect between COPS funding and population size a possibility that should be examined. It is likely that COPS funding has a different effect on crime in small cities than in larger ones. The use of a population split is necessary, because it is clear that there are significant differences in the change in crime rates experienced by very small cities when compared to large ones and because of the possibility of an interaction between size of city and COPS funding.

Analysis of Cities with Populations Greater than 10,000

Results of the multivariate analysis with respect to violent and property crime rates are displayed in Tables 3 and 4, respectively. The findings suggest that both hiring grants and innovative grants have had a significant effect on crime reduction in this group, after controlling for previous crime rates (the 1994 crime rate), demographic variables, and unobserved systematic variation. The R2 of the model predicting the violent crime rate is .86, indicating that the independent and control variables are able to explain a very high percentage of variance in the model; similarly, the R2 for the property crime rate model is .79.

The analyses indicates that an increase of one dollar in grant funding per resident in the form of hiring grants resulted in a corresponding decline of 5.26 violent crime incidents per 100,000 residents. The effect of hiring grants on the property crime rate is even greater. A dollar increase per resident in hiring grants contributed to a decline of 21.63 property crime incidents per 100,000 population. Regarding innovative grant programs, the coefficients indicate that a one dollar increase in innovative grant funding contributed to 12.93 fewer violent crime incidents per 100,000 population and 45.53 property crime incidents per 100,000 population between 1995 and 1999.

The effects of demographic variables vary

Table 3: The Effect COPS Grants (1994-1998) on Violent Crime Rates (1995-1999) in Cities with Populations Greater than 10,000: Two-Factor Fixed Effect Panel Model

Variables	Coefficient	Robust Standard Error
Hiring grants	-5.26*	2.64
Innovative grants	-12.93*	6.60
MORE grants	- 0.11	3.15
1994 Violent crime rate	0.61*	0.02
Percentage of minority	2.02*	0.56
Percentage of unemployment	10.32	5.35
Percentage of single parent households	11.99*	3.21
Percentage of young people	-1.34	1.42
Percentage of home owners	-2.98*	0.42
Mobility	2.26*	0.58
Adjusted R2	.86	
F Value= 67.86		
Prob < 0.000		

* p <.05 (two-tailed).

a. COPS dollar amounts are per person and crime rates are per 100,000. 2,674 county dummy variables and 5 time-variance dummy variables are not reported.

Table 4: The Effect of COPS Grants (1994-1998) on Property Crime Rates (1995-1999) in Cities with Populations Greater than 10,000: Two-Factor Fixed Effect Panel Model

Variables	Coefficient	Robust Standard Error
Hiring grants	-21.63*	8.19*
Innovative grants	-45.53*	22.29*
MORE grants	- 1.52	9.86
1994 Property crime rate	0.50*	0.05
Percentage of minority	15.53*	2.92
Percentage of unemployment	40.82*	15.64
Percentage of single parent households	0.74	10.44
Percentage of young people	-13.76*	5.33
Percentage of home owners	-34.12*	4.56
Mobility	16.88*	3.20
Adjusted R2	.79	
F value= 46.19		
Prob < 0.000		

* p <.05 (two-tailed).

a. COPS dollar amounts are per person and crime rates are per 100,000. 2,674 county dummy variables and 5 time-variance dummy variables are not reported.

between the two models. For example, the percentage of minority residents is significantly correlated with both violent crime rates and property crime rates. Unemployment is a significant predictor of the property crime rate but not of the violent crime rate. At the same time, the percentage of home ownership reveals a consistently negative effect on both types of crime.

Analysis of Cities with Populations Less than 10,000

Tables 5 and 6 report the results of the effect of COPS grants on violent and property crime rates in very small cities. Unlike in large cities, these findings show that hiring grants are positively correlated with reported violent crime rates. Though the influence of hiring grants is small (0.83), the relationship is statistically significant. This indicates that an increase in one dollar in the form of a hiring grant per resident led to an increase of less than one reported violent crime incident (0.83) per 100,000 people. At the same time, both innovative and MORE grants were not significant predictors of violent crime rates in cities with less than 10,000 persons. In addition, fewer control and demographic variables are significant in this model than the previous model. Three variables—1994 violent crime rate, single parent households and home ownership— are significant and their coefficients are in the negative direction. Similar to the results in large cities, the percentage of young people is significantly negatively associated with violent crime rates in these small cities. Also in contrast to larger cities, the findings also suggest that both hiring grants and MORE grants in small cities are positively associated with reported property crime rates as is shown in Table 6. For example, an increase in one

Table 5: The Effect of COPS Grants (1994-1998) on Violent Crime Rates (1995-1999) in Cities with Populations Between 1,000 and 10,000: Two-Factor Fixed Effect Panel Model

Variables	Coefficient	Robust Standard Error
Hiring grants	0.83*	0.40
Innovative grants	1.06	2.35
MORE grants	2.48	1.94
1994 Violent crime rate	0.49*	0.02
Percentage of minority	0.30	0.45
Percentage of unemployment	- 3.06	2.29
Percentage of single parent households	10.62*	1.55
Percentage of young people	- 1.52*	0.52
Percentage of home owners	- 1.68*	0.29
Mobility	- 0.57	0.42
Adjusted R2	.64	
F value= 19.88		
Prob < 0.000		

* p <.05 (two-tailed).

a. COPS dollar amounts are per person and crime rates are per 100,000. 2,674 county dummy variables and 5 time-variance dummy variables are not reported.

Table 6: The Effect of COPS Grants (1994-1998) on Property Crime Rates (1995-1999) in Cities with Populations Between 1,000 and 10,000: Two-Factor Fixed Effect Panel Model

Variables	Coefficient	Robust Standard Error
Hiring grants	8.97*	2.80
Innovative grants	11.98	8.66
MORE grants	31.20*	13.82
1994 Property crime rate	0.70*	0.02
Percentage of minority	1.87	2.27
Percentage of unemployment	-6.80	9.55
Percentage of single parent households	3.53	8.46
Percentage of young people	- 15.82*	3.70
Percentage of home owners	- 13.84*	2.00
Mobility	- 6.96*	2.43
Adjusted R2	.75	
F value=32.83		
Prob < 0.000		

* p <.05 (two-tailed).

a. COPS dollar amounts are per person and crime rates are per 100,000. 2,674 county dummy variables and 5 time-variance dummy variables are not reported.

dollar of funding per resident leads to an increase in 8.97 reported property crime incidents for hiring grants and 31.2 incidents for MORE grants. As is discussed later, it appears that COPS grants result in increased crime reporting in very small jurisdictions, possibly as a result of increased officer presence or community policing activities.

Analysis of the Full Sample

The effect of COPS grants on the full sample was also estimated. Table 7 reports the findings of the effect of COPS grants on the violent crime rate, using a two-factor fixed effect panel model for the entire sample. The results show that innovative grant funding is a significant predictor of the violent crime rate. The coefficient for innovative grants indicates that a one dollar increase in innovative grant funding contributed to a decline of 12.26 violent crime incidents per 100,000 residents. Receiving hiring or MORE grant funding was not significantly associated with a declining violent crime rate.

The coefficients for the control variables show that all of them are good predictors of the violent crime rate in the model. The percentage of minority residents, the unemployment rate, single parent households, and population mobility are all positively correlated with violent crime rates. This finding seems to lend support for social disorganization theory. It is also surprising to note that the percentage of young people is negatively associated with violent crime rates, this finding is contrary to that commonly reported elsewhere in the literature.

The findings concerning the effect that COPS grants have on property crime rates in the full sample are shown in Table 8. Again, the presence of innovative grants is shown to significantly reduce property crime rates in the analysis. Every one dollar spent per

Table 7: The Effect of COPS Grants (1994-1998) on Violent Crime Rates (1995-1999) in Cities with Populations Greater than 1,000: Two-Factor Fixed Effect Panel Model

Variables	Coefficient	Robust Standard Error
Hiring grants	-1.86	1.67
Innovative grants	-12.26*	5.96
MORE grants	0.28	3.17
1994 Violent crime rate	0.59*	0.02
Percentage of minority	2.33*	0.47
Percentage of unemployment	10.26*	4.09
Percentage of single parent households	10.63*	2.60
Percentage of young people	-1.51*	0.68
Percentage of home owners	-2.83*	0.35
Mobility	1.54*	0.47
Adjusted R2	.84	
F value=77.91		
Prob < 0.000		

* p <.05 (two-tailed).

a. COPS dollar amounts are per person and crime rates are per 100,000. 2,674 county dummy variables and 5 time-variance dummy variables are not reported.

Table 8: The Effect of COPS Grants (1994-1998) on Property Crime Rates (1995-1999) in Cities with Populations Greater than 1,000: Two-Factor Fixed Effect Panel Model

Variables	Coefficient	Robust Standard Error
Hiring grants	-10.44	5.56
Innovative grants	-43.85*	20.78
MORE grants	- 0.28	9.55
1994 Property crime rate	0.56*	0.04
Percentage of minority	15.05*	2.63
Percentage of unemployment	38.88*	14.48
Percentage of single parent households	-11.83	8.93
Percentage of young people	-16.46*	3.96
Percentage of home owners	-28.52*	3.68
Mobility	6.55*	2.42
Adjusted R2	.79	
F value=55.61		
Prob < 0.000		

*p <.05 (two-tailed).
a. COPS dollar amounts are per person and crime rates are per 100,000. 2,674 county dummy variables and 5 time-variance dummy variables are not reported

person on innovative programs produces a reduction of 43.85 property crimes per 100,000 residents. Similar to the previous model, both hiring and MORE grants failed to achieve significance at the .05 level. For the control variables, the percentage of single parent households does not have an appreciable influence on the property crime rate while the other control variables prove statistically significant.

6. DISCUSSION AND CONCLUSION

This section focuses on five observations regarding this analysis. The first observation is that innovative grant programs turned out to have the strongest crime reducing effects. Innovative grant programs had a significant negative effect on crime for the entire population of grantees examined in this study. Such innovative programs targeted at specific crime problems or jurisdictions are perhaps one of the most effective ways that the COPS Office has contributed to a crime decrease.

The second observation is that crime reduction in the United States is not a unitary phenomenon. The difference between the two groups of cities is apparent with respect to their crime patterns over the six-year period of time when national crime rates overall dropped substantially (Table 2). In addition, the data indicate that COPS hiring and innovative grants have contributed significantly to decreasing crime in U.S. cities with populations greater than 10,000 people. According to the UCR, approximately 89% of people in the United States are served by police departments that serve populations greater than 10,000.[29] Therefore, it appears that the significant crime reducing effect of COPS hiring and innovative grants are concentrated in areas effecting the majority of the population of the United States. Moreover, this impact is significant with one dollar of COPS funding per person for hiring grants resulting in a decline of 5.26 in the violent crime rate and 21.63 in the property crime rate; and one dollar of COPS funding per person for innovative grants resulting in a

[29]This figure is also 80% in the sample.

12.93 decrease in the violent crime rate and a 45.53 decline in the property crime rate.

These findings regarding the significant effect of COPS hiring grants differ from those in a recent study conducted by the Heritage Foundation.[30] The author of that study concluded that only COPS innovative grants had a significant effect on the violent crime rate (there was no analysis for property crime). However, there is a serious problem with this previous research. This previous study relied on county level crime data from 1994 to 1998, instead of the city level data analyzed here. Using county level data is an inadequate approach for investigating the effect of COPS grants on crime rates because it is impossible to distinguish crime rates among COPS-funded and non-funded agencies, within a county. By including non-funded agencies at the county level, the true impact of COPS funding on crime rates is attenuated. Because some counties only have a small number of COPS funded agencies within their borders this severely biases against finding a significant effect for COPS grants. Because the analysis reported here employs a similar methodology, but is conducted at the city level, it supersedes these previously reported findings.

The third observation is that the findings also show that COPS hiring and MORE grants are significantly positively correlated with reported crime in cities with populations less than 10,000. One possible explanation for this positive relationship is that because smaller cities have many fewer officers, the addition of even one officer can mean a substantial increase in department size that can significantly affect citizen crime reporting. The average number of sworn officers in cities between 1,000 and 10,000 population was 9.6 in this sample.[31] By way of comparison, the average for cities with populations greater than 10,000 was 118.4. Thus, in these smaller cities, an increase in even one officer typically amounts to a 10% expansion of department size, but on average produces an increase of less than 1% for larger departments. It is reasonable to speculate that in these smaller cities this additional officer may be involved with a variety of community policing activities designed to increase citizen reporting such as interacting with local residents, order-maintenance, and issuing citations. Increased interaction between the police and the community can help residents feel more comfortable and willing and able to report crimes. This increased crime reporting effect may be more substantial in smaller cities than in larger ones, partly because in these small communities, an increase of one reported crime incident carries substantial weight in the annual crime rate when it is standardized. In addition, in some very small police departments, state or county police may be the only law enforcement personnel on duty during nighttime hours. Therefore, any reported crimes that take place during this time are recorded in state or county and not in local crime statistics. If the presence of additional officers allow departments to have personnel on duty during this time, this could significantly increase the amount of reported crime in these very small jurisdictions.

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[30] Muhlhausen, D. 2001. Do Community Oriented Policing Services Grants Affect Violent Crime Rates. Washington, DC: The Heritage Foundation.

[31] This is the mean of the six-year average of sworn officers. This data was also obtained from the annual UCR reports regarding police employment.

Consequently, it is reasonable to expect that the numbers of crimes known to police in these communities can rise somewhat with the addition of a relatively minimal number of officers.

The fourth observation concerns the insignificant effect of MORE grants throughout the models. In all models, the coefficients for MORE grants failed to have statistically significant negative effects on reported crime. In addition to the possibility that they have no effect on reported crime, there are two reasonable explanations why MORE grants failed to achieve significance. First, the relationship between MORE grants and crime rates could be indirect, and thus, very difficult to measure. Unlike the direct hiring of officers, MORE grants are more indirectly related to crime prevention. Second, and perhaps more importantly, according to documented reports from MORE grantees, it often takes many years before computers and technology are fully operational increasing officer effectiveness and efficiency. The one-year time lag built into this model is very likely to be insufficient to produce a crime decrease for a program like MORE.

The final observation relates to the effect of demographic variables. While some variables behaved according to the predictions made by social disorganizarion theory (e.g., single parent household and home ownership), several other variables did not. For example, having a large percentage of young people is typically found to have a positive effect on crime rates. However, the coefficients for the percentage of young people consistently had a negative relationship with crime. Furthermore, population mobility is negatively correlated with property crime rates in small communities when most studies report a positive relationship (Table 6). The lack of variation among the demographic variables in the panel data analysis may explain these results. Because most of the data were collected at one point in time from the 1990 Census, they remained constant in the models across the years. Therefore, much of their effects could have been muted. Another possibility is that these findings are accurate and reflect the lack of knowledge regarding the effect variables derived from social disorganization theory have on crime in very small communities.[32]

COPS programs have acted as the primary catalyst for an increase in community policing activity among law enforcement agencies across the United States. However, until this study, the extent to which COPS programs have contributed to the recent dramatic decline in crime was unknown. This research empirically examined the effect that the COPS Office had on crime rates from 1994-1999. It was found that COPS hiring grant programs had a significant negative effect on both violent and property crime rates in cities with populations greater than 10,000 and innovative grant programs have had a significant negative effect on the entire population of grantees. The vast majority of individuals in the United States live in cities where COPS Programs are having a strong impact on making communities safer places to live.

[32]For a discussion of the lack of knowledge concerning the application of social disorganization theory in small towns please see: Osgood, D. and J. Chambers. 2000. Social Disorganization Outside the Metropolis: An Analysis of Rural Youth Violence. Criminology 38:81-115.

Appendix A: The Fixed-effect Models and Heteroskedascity-consistent Covariance Matrix Estimator

The two-factor fixed effect model has the following form:

$$(1)\ y_{it} = \mu_i + \gamma_t + \alpha_1 HIRE_{it} + \alpha_2 MORE_{it} + \alpha_3 INOV_{it} + \beta' x_{it} + \varepsilon_{it}$$

where y_{it} is the number of crime incidents per 100,000 resident for city i at year t. μ_i is the fixed effect for city i to be estimated. γ_t is the fixed effect for year t. $HIRE_{it}$, $MORE_{it}$ and $INOV_{it}$ are the three COPS funding variables on hiring, MORE and innovative grants, measured as per resident in 1994 dollars, for city i at year t. α_i (i=1,2,3) are the associated coefficients to be estimated. Their values, together with the estimated standard errors, determine whether COPS grants have measurable impact on crime reduction. x_{it} is a set of control variables (e.g., the city level unemployment rate) and β are the associated coefficients. Finally, ε_{it} is the error term.

MacKinnon and White (1985 p. 309) proposed a modified heteroskedascity-consistent covariance matrix estimator for the linear regression model on cross-sectional data[33]. This new estimator has better finite sample properties than what White suggested previously. Cao, Stromsdorfer and Weeks (1996, p. 215) extended the MacKinnon and White estimator to panel data, where as Cao *et al* note, there exists within-unit correlations in panel data, i.e., for $E(\varepsilon_{it}\varepsilon_{jt}) \neq 0$, for $i \neq j$

Let Z be the design matrix containing all the right-hand-side variables in (1), T_i be the number of repeated observations for I, N be the total number of observations across all i, and $uit^* = \varepsilon_{it}/(1-k_{it})$, where k_{it} is the ixt^{th} diagonal element of the matrix $Z(Z'Z)^{-1}Z'$, the panel data version of the MacKinnon and White estimator is

$$(2)\ (N-1/N)(Z'Z')^{-1}[Z'\Omega^{*}Z-(1/N)(Z'u^{*}u^{*'}Z)](Z'Z)^{-1}$$

where the $k \times m^{th}$ of the Ω^{*} is

$$(3)\ \sum_{i=1}^{N}((\sum_{t=1}^{T_i} x_{itk}u_{it}^{*})(\sum_{t=1}^{T_i} x_{itm}u_{it}^{*}))$$

Thus, (2) and (3) correct for not only the heteroskedasic errors across units, but also the correlated errors within units over different time periods. It also allows for the number of observations to be different by i. All our t-tests and F-tests in this report are based on the corrected variance and co-variance estimates.

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[33] MacKinnon, James G. and Halbert White, 1985, "Some Heteroskedaticity-Consistent Covariance Matrix Estimators with Improved Sample Properties." Journal of Econometrics 29: 305-25

Cao, Jian, Ernst W. Stromsdorfer and Gregory weeks, 1996, "The Human Capital effect of General Education Development Certificates on Low Income Women." The Journal of Human Resources. 31(1): 206-228.

Table 1. Law Enforcement Officers, Expenditures, and Violent Crime Rates, 1996-2005

Year	*Number of full-time officers/a*	*Population covered*	*Officers per 100,000 population*	*Government expenditures on police protection (2004 dollars, in 1000's)/b*	*Expenditures per capita (2004 dollars)/c*	*Violent crime rate per 100,000 population/d*
1996	595,170	248,724,000	239	66,488,466	247	637
1997	618,127	251,315,000	246	71,145,925	261	611
1998	641,208	259,549,000	247	73,867,339	268	568
1999	637,551	253,242,000	252	77,219,255	277	523
2000	654,601	264,813,489	247	78,217,511	277	507
2001	659,104	268,055,247	246	80,145,495	281	505
2002	665,555	271,240,537	245	85,569,114	297	494
2003	663,796	274,104,414	242	86,159,885	296	476
2004	675,734	278,433,063	243	88,865,664	303	463
2005	673,146	279,200,617	241			469

/a FBI, *Crime in the United States*, 1996-2005

/b Bureau of Justice Statistics, *Justice Expenditures and Employment in the U.S.*, 1996-2004.

All data have been adjusted to 2004 dollars.

/c Population data from the U.S. Census Bureau, based on estimated resident population on July 1.

/d FBI, *Crime in the United States, 2005,* table 1.