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SUPPORTING THE FRONT LINE IN THE FIGHT AGAINST CRIME: RESTORING FEDERAL FUNDING FOR STATE AND LOCAL LAW ENFORCEMENT

HEARING

BEFORE THE

SUBCOMMITTEE ON CRIME AND DRUGS

OF THE

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

ONE HUNDRED TENTH CONGRESS

SECOND SESSION

FEBRUARY 27, 2008

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SUPPORTING THE FRONT LINE IN THE FIGHT AGAINST CRIME: RESTORING FEDERAL FUNDING FOR STATE AND LOCAL LAW ENFORCEMENT

WEDNESDAY, FEBRUARY 27, 2008

U.S. SENATE
SUBCOMMITTEE ON CRIME AND DRUGS,
COMMITTEE ON THE JUDICIARY,
Washington, DC

The Committee met, Pursuant to notice, at 2:07 p.m. in room SD–226, Dirksen Senate Office Building, Hon. Joseph R. Biden, Jr. presiding.

Present: Senators Feinstein, Feingold, Specter, and Coburn.

OPENING STATEMENT OF HON. JOSEPH R. BIDEN, JR., A U.S. SENATOR FROM THE STATE OF DELAWARE

Chairman BIDEN. The subcommittee will come to order.

For our witnesses, let me briefly explain the order here. I have a brief opening statement. I believe that the Ranking Member, Senator Specter does. I'm told that Senator Feinstein has another meeting in Intelligence, or another committee, and she'd like to make a brief statement, which we'll be delighted. I'd invite my colleague, if he wishes to say anything at the outset. Then we'll hear from the money men, our two colleagues who are on the Appropriations Committee. We're delighted that they're here. Then we'll move on to the witnesses.

Let me begin by pointing out to you all that a former staffer who ran the Criminal Justice Subcommittee for years for me, Scott Green, who is a referee in the NFL and done the Super Bowl and the rest, I've asked him to come back and throw the flag on you guys if you don't give us the right testimony. I just want you to know why he's here. Scott, it's great to see you. Good to have you back in the room.

At the inaugural hearing of this subcommittee, a panel of law enforcement experts testified that the Federal funding for State and local law enforcement, to state the obvious, makes our streets safer, has driven down crime rates, and secured our communities against terrorism.

At that hearing, I outlined three developments that had me greatly concerned, though. First, was I was concerned the administration would continue to cut funding for essential State and local law enforcement agencies like COPS, Byrne/JAG grant programs.

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Second, I was concerned the FBI would not replace the agents redeployed from investigating crime to fighting terrorism.

As you gentlemen know, the FBI has worked over the years, depending on the jurisdiction—sometimes up to 10 to 12 percent of the criminal cases in some jurisdictions there have been some overlap with the FBI, and quite frankly their plate has been full since 9/11, and yet we haven't really added to their total. There's a real gap, in my view, that State and local law enforcement has had to fill in the absence of having to pull necessarily a significant portion of the FBI off of working with them.

Third, I was concerned that the economic downturn that we're beginning to experience would squeeze localities and force them to cut their law enforcement and prevention budgets. Unfortunately, all three of these concerns, in my view, have been borne out. Since the President took office, the President has cut annual funding the COPS and Byrne Justice Assistance grants by $1.7 billion. The President's 2009 budget proposes to eliminate these grants entirely, which I think is a tragic mistake.

The FBI agents reassigned away from fighting crime—well, they're fighting crime, but they're moved to focus on counter-terrorism and terrorism—one investigator report last year stated the number of criminal cases investigated by the FBI has dropped by 34 percent. I would argue necessarily it's not a consequence of dereliction on their part, I think necessarily because of their new responsibilities.

Again, in our effort to protect Americans from terrorism, I don't think we can leave them vulnerable to violent crime in the street. It doesn't matter to somebody if they're killed by a terrorist or they're killed by a thug, they're dead on our streets. We have to do both. That makes a commitment of resources that has frankly been lacking in recent years that I think needs to be reestablished.

The economy has slowed down. The Washington Post reported this week that next year, 20 States expect their budgets to be in the red. As State governments are forced to tighten their belt because most have constitutional requirements to balance their budgets, they're likely to cut back on critical law enforcement funding. Federal assistance, I think, in that circumstance is going to become even more important.

I learned a long time ago from cops like those we're going to hear from today that fighting crime takes constant attention and a steady commitment. I often say it's like cutting grass. You can cut the grass this spring and it's going to look great for a week. You let it grow for a week, then 2 weeks, 3 weeks, 4 weeks out, it's a jungle. That's how crime is.

I've never seen a time in American history where the population continues to grow, where there's any rationale for spending less money on fighting crime in the following year than the year you spent before. God ain't come up with a new brand of man. As Emerson said, "Society is like a wave. The wave moves on, but the particles remain the same." The idea that you think you can beat crime one year and that will last for more than a year, I think, is a tragic mistake we're now making. We have to keep the grass mowed.

So, ladies and gentlemen, I think we've neglected State and local law enforcement for too long and I think we've got a looming problem on our hands. A recent poll published by the nonpartisan Third Way indicates that 94 percent of Americans view crime as a "very serious" or "fairly serious" problem. That's considerably up. Moreover, 69 percent of Americans feel that violent crime is a bigger threat to them than the possibility of a terrorist threat. They're pretty smart.

The concern of these Americans are serious and real. Last year, 1.4 million Americans were victims of violent crime, acknowledging that crime is down from what it was seven, eight, and 9 years ago, but still inexplicable high, in my view. So, last year, 1.4 million Americans were victims of violent crime, and more than 445,000 were robbed and more than 17,000 were murdered. These numbers are simply too high and I think we need to renew our commitment and return to what we know that works. As Ronald Reagan used to say, "If it ain't broke, don't fix it." It wasn't broke, and they tried to fix it and now we have a problem.

We know the COPS program works. Last spring, The Brookings Institution published a study showing that the COPS program contributed to the drop in crime during the 1990s, and is one of the most cost-effective options in fighting crime. Specifically, the study found that for every $1.4 billion invested in the COPS program, society realized a benefit of between $6 and $12 billion.

We know the programs funded by the Byrne Justice Assistance grants work. Police officers and sheriffs walking the beat tell me that these programs are vital to their ability to protect America from crime and terrorism. I am sure they have told every one of the Senators here on both sides of the aisle.

Productive, law-abiding citizens who participate in Boys & Girls Clubs and other prevention programs that Byrne/JAG grants fund tell me that they could not have done what they've been able to do in reducing crime without these programs. Citizens who have overcome the debilitating disease of drug addiction and lead healthy, meaningful lives tell me that drug courts and treatment programs funded by Byrne/JAG literally saved their lives.

We know what the solution is. We know how to make American communities safer. We just need to make the commitment to restore funding to these tried-and-true programs, and I intend to do everything I can to see that that is the case.

Now, Senator Specter was here, but I believe he had to leave for another committee. He saw Chief Ramsey, so I'll make sure that when he gets off the train at Amtrak he's not arrested on the way to home. But Chief, welcome, by the way.

[The prepared statement of Senator Biden appears as a submission for the record.]

So I'm assuming he may be back, but I'm going to skip right now to Senator Feinstein, if she would like to make any comment.

STATEMENT OF HON. DIANNE FEINSTEIN, A U.S. SENATOR FROM THE STATE OF CALIFORNIA

Senator FEINSTEIN. Thank you very much, Mr. Chairman. I want to particularly commend you and thank you, for the Crime bill when I first came into the Senate, the COPS program and your

really constant and consistent defense of law enforcement and the issues that crime bring upon our communities. I mean, you've been there all the way and I just want to say thank you for it.

Chairman BIDEN. Thank you.

Senator FEINSTEIN. I'm a big fan of the Byrne/JAG program. I know my two colleagues here, Senator Harkin and Senator Chambliss, join me. As a matter of fact, Senator Chambliss and I spearheaded an authorization of $1.1 billion. The bill passed the Senate and we had 52 co-sponsors. Senator Harkin has been at the front of the line in advocating for this and the three of us, on the emergency supplemental bill, are going to try to get together in Appropriations—we're all appropriators—and increase that amount in this Byrne/JAG column.

There is no question, Mr. Chairman, that crime is going up. It was interesting to me to read a figure by the International Chiefs of Police, some of whom are here today, that for every 2.5 percent of increase of violent crime, there are 31,000 more victims. I can speak for my State to say that the cuts in these law enforcement programs have eviscerated anti-drug efforts, anti-gang efforts, HIDA programs, all up and down the State. We've just simply got to fight against these cuts and do more about them, so we will try when that supplemental appropriations bill comes before the Senate.

As you know, we passed a gang bill. After 10 years, Senator Hatch and I authored that Gang Prevention Act. It was difficult to pass in the Senate. We negotiated between both sides. It finally passed by unanimous consent, which is unusual, and is now in the House. I'm hoping that people here will help us get this Gang Abatement Act passed as well, because it's a good bill. It's evenly divided in funding between prevention, education, law enforcement, and prosecution.

It actually sets some important criteria, I think, for the future: it sets aside $411 million for gang prevention and intervention; it establishes a new high-intensity gang activity area program, structured to facilitate cooperation between State, local and Federal law enforcement; it increases funding for the Justice Department, prosecutors, FBI agents, and others to increase investigations and prosecutions.

Just this past week in Los Angeles, a section of the city had to be shut down because of gang warfare. Schools had to be locked up because of gang warfare. A 37-year-old innocent man holding a two-and-a-half-year-old toddler standing on a street corner was shot to death with 12 bullet holes because he got in between gang warfare. It goes on and on.

So these grant programs for law enforcement are primo. They are No. 1. I just thank you so much, and I know Senator Coburn and the two distinguished people at the witness table, we will fight the good fight.

Chairman BIDEN. Thank you, Senator.

Senator Coburn?

STATEMENT OF HON. TOM COBURN, A U.S. SENATOR FROM THE STATE OF OKLAHOMA

Senator COBURN. I have a particular interest, even though I don't agree with how we got there. The Byrne/JAG grants have been tremendously beneficial where I've seen them utilized. Although I have mixed feelings on whether or not that's a Federal responsibility, if you look constitutionally you're going to have to question that, but we've gotten into that arena.

I would like to submit for the record the latest data through 2006. State budget surpluses were $54 billion. I noticed the State that tended to get the most in terms of the directed earmarks, rather than the competitive money that was for the Byrne/JAG grants, had a surplus of $10 billion. The second most had a surplus of $7 billion. This year we're going to run the highest deficit in history.

So there's no question that this is effective money, and I will work hard to help us reappropriate some of that money. But I want us to caution, when we take it and add it to a supplemental, we're not paying for it and we're asking somebody else to pay for it. The real hard work has to be, how do we go and find out what's not working and take the money from it rather than just charge this to our kids? I agree, the drug courts in Oklahoma have been a phenomenal life saver, rescuing people out. The assistance to many of our district attorneys in terms of their drug task force have been tremendously beneficial. But how we pay for it makes a difference.

We only have 4 years left before things really hit the fan for this country in terms of the baby boomers. 2012 is the year. When you look at what is happening to the dollar today, you're looking at the weakening of our economy, you look at the price of oil that hit $102 today a barrel because we haven't managed our affairs—it's not necessarily a shortage of oil or an increase in demand. The price of oil has gone up proportionately higher for America than it has any other country and it's because people don't have the confidence in us to manage our financial means.

So I appreciate our two colleagues here and their testimony, and their work to this. It's important. But it's got to be about some priorities, getting rid of some other things rather than just putting the money back up there and charging it to our kids.

The final point I'd make, I would enter into the record that as we look at what happened last year, what happened was, the discretionary—the earmarks on the Byrne/JAG actually hardly declined at all in terms of the year before, but the block grants, the formula block grants, the ones where we have competitive bidding where different jurisdictions come in and say, here's where we have a need, here's why we're going to do it.

Well, they're the ones that got gutted, from $660 million out of the Senate bill to $170 million. So if you've got earmarked whether you were competitive or not, you just got the favor. The people who are really competing for this money that may have had a greater need, they were just thrown under the bus.

So there has to be a better balance between the earmarking of Byrne/JAG grants and the actual formulary grants. What we chose last year, is we stuck it to everybody that's applying for a grant and we gave it to everybody that got earmarked, and that's not the

right way. It's not fair for those that are dependent on this money in the country, and that's something that we need to address as we look forward to this. I thank the Chairman for indulging me.

Chairman BIDEN. Thank you, Senator. I'm happy to hear what you have to say. You and I are probably going to be having some debates about the security premium on oil. I don't think it's our economy, I think it's the fact that we haven't figured out how to settle the war in Iraq, and are worried about a war in Iran. That's what most of the security premium is.

But that's another question, and we're going to probably have some disagreement, but we'll work together on the matter of the "earmarks", as you've referred to them, versus competitive grants. Most of those earmarks have gone to places where they've demonstrated there's a need and it's worked, but that's a different question.

For now, we have two very important Senators here whom we rely on because they are on the Appropriations Committee, in addition to being men of significantly good judgment. Tom Harkin is my good friend and colleague, a member of Commerce, Justice, and Science Appropriations Subcommittee. He's worked closely with me on the law enforcement funding issues for, literally, decades, with all of us, I would say. It's good to have you here, Tom.

And Saxby Chambliss, who, Senator Feinstein has pointed out, has been a real leader in the importance of law enforcement funding and husbanding how it's done. I appreciate his leadership, and am delighted they're both here.

Gentlemen, the floor is yours.

Mr. Chairman?

STATEMENT OF HON. TOM HARKIN, A U.S. SENATOR FROM THE STATE OF IOWA

Senator HARKIN. Thank you, Mr. Chairman. Let me, first of all, echo what the Senator from California has said earlier, and to thank you, Senator Biden, for your many years of leadership in this area of fighting crime and drugs. You have been a true leader since I first came here in 1985. You preceded me by a few years on that one. But ever since I came here, we have looked to you for your leadership in providing the tools that our sheriffs and our police departments need to fight crime and drugs. I just, again, want to thank you for your whole lifetime of making sure that our law enforcement people—you see a lot of them sitting here—get the tools that they need.

Chairman BIDEN. Thank you.

Senator HARKIN. So we thank you very much for that.

Yesterday, Mr. Chairman, was the 20th anniversary of the killing of Edward Byrne, a young, 22-year-old rookie police officer in New York. He was assigned to a drug case. He was assigned to protect a witness, was sitting in his car in the early morning hours and a drugger came up and shot him several times in the head and killed him instantly. The killing was obviously an attempt to intimidate witnesses. This heinous crime then led to the enactment of the Edward Byrne Memorial State and Local Law Enforcement Assistance Program.

I think it was recognized at that time, I think, Senator, that while we have looked to the states mostly for fighting crime and drugs, that in many cases these cross jurisdictional lines and therefore this would be an appropriate place for the Federal Government to come in and to assist in these efforts. That is exactly what the Byrne program did. It recognized it was not just a local problem.

In fact, in all these years up until now, the Edward Byrne grant program is the only—the only source of Federal funding for multijurisdictional law enforcement efforts, the only source that we have to do that, and it has done great things.

So I remember the history of this. In 1994, I led an effort, again with others, to restore the funding that was cut. I'm just going to be very frank here: it was cut by the Clinton administration. A number of us—and you, Senator Biden—were leading the effort at that time to get this money back in. We did, and we kept it in and we kept growing the Edward Byrne grant program.

Well, what I'm here today to do is sound the alarm of what's happened this year. You touched on it, Senator Coburn. That is what has happened to the funding. Again, just in recent history, in 2002 it was $900 million. It was cut down to $520 million in 2007, and now $170 million. That's a two-thirds cut in one year. In one year. Again, the Senate had $660 million for this year and the House had $600 million. But as you know, the President vetoed the bill, wanted to cut to $22 billion, so this all got wrapped up in that and that's why we wound up with $170 million. As you pointed out, Mr. Chairman, the President's budget for next year, again, zeroes out the Byrne program.

Now, we'll address that later on in terms of 2009. What I wanted to take your time on today is to emphasize the need that when we have our supplemental up in another month and a half, or whatever it is, 2 months from now, we've got to put that money in there to restore the 2008 money. I'm sure all of you have probably talked to your local law enforcement people in your States. What I've heard, not only from my State but from other States, too, is that if this money is not restored—they're now kind of running on fumes, so to speak.

They've got some money left over from last year, some local jurisdictions have picked up and put money in there, but quite frankly, almost everyone I've talked to said if they don't have some money by July/August, they've got to start letting people go. They just won't have the money, period.

And as has been said to me many times, in law enforcement, once you eliminate a program it's hard to start it up again. It's hard to hire back trained and experienced people if you've gone a whole year. It's hard to startup a wire tap. You've got a wire tap going, you have to end it. It's hard to start it up again. It's hard to reconnect with witnesses who, in this kind of an underworld, tend to drift around and move on, so they've gone to other States and you lose track of them. It's hard to recreate a whole year of maybe lost investigations.

Again, keeping in mind that the Byrne program is the only one, the only Federal program, that funds these multijurisdictional efforts not only within a State, but across State lines. Again, I've emphasized that. But as you pointed out, Senator, there are other

things, like the drug courts, that have been very successful in your State, my State, and I'm sure others.

Gang prevention programs that Senator Feinstein talked about. Reentry programs. In-school programs where they've gone and sent officers and people in to schools to talk to kids about drug prevention programs. So it sort of really covers that whole waterfront.

I've emphasized mostly drugs because the scourge of methamphetamine and stuff that's gone around this country, if it weren't for the Byrne grant program we would not have been nearly as successful as we have been in finding the sources of those drugs and in arresting and imprisoning so many people involved, especially in the methamphetamine area.

Just, if I might, Mr. Chairman, in closing, say in Iowa what his would mean if we don't get the money in the 2008 supplemental, it means that we would have to eliminate 15 of 21 multijurisdictional drug task forces. Fifteen of 21. We would lose 39 of 59 personnel assigned and working in this area. Again, I point out that 85 percent of the drug cases in Iowa have come from these task forces. Now, again, we have the supplemental. I hesitate to point this out, but I feel compelled to do so. We have already spent $6 billion in security and law enforcement in Iraq. Six billion. All we're asking for is $490 million for some law enforcement and security in going after the druggers in this country.

So again, I thank you all, all of you, Senator Coburn, Senator Biden, Senator Feinstein, who had to leave, all of you for your leadership in this area. This is one thing I hope where we can work across party lines and regional lines to get this money back in a supplemental. It's just vital—vital—that we get it in the supplemental appropriations.

Thank you, Mr. Chairman.

Chairman BIDEN. Thank you very much.

Senator Chambliss?

STATEMENT OF HON. SAXBY CHAMBLISS, A U.S. SENATOR FROM THE STATE OF GEORGIA

Senator CHAMBLISS. Thank you very much, Mr. Chairman. Let me echo what's been said relative to your recognition of law enforcement issues. You are a champion for law enforcement. It's been a pleasure to work with you, not just on this issue, but on other issues, too. You have made America a better place. So, thanks for your great leadership.

Senator Feinstein, I just can't say enough about her. She's been such a great partner in working on this particular issue over the last couple of years. She, likewise, is a champion for law enforcement, not just in her State, but for every State in the country, and knows and understands the issues, is very articulate on the issues, and understands why we need the funding that we're asking for here, as well as otherwise.

To my good friend, Senator Coburn, he is not only my colleague, he's a very close personal friend. Philosophically, we're on the same page most of the time. Senator Coburn is one guy that I really appreciate because of his recognition of the fact that this is a needed program, and this is one of those programs that we've got to find the funding for. He comes from a rural State, as do I. This is a pro-

gram that has worked very well. I would just say that I agree with you in the sense that there are some situations where we tend to act as Big Brother, or Uncle Sam, by funding programs that maybe States ought to take care of.

But in this case, as I will mention here in a minute, we've had experience across State lines with the State of Alabama, working on a specific program. So, interstate commerce is involved on a regular basis and I do think if it were not for this Byrne/JAG program, and for Federal participation in funding these grant programs around the country, that we simply wouldn't have had the success that we've had.

I want to focus on the Byrne/JAG program and I want to talk about this program, Mr. Chairman, for two main reasons. First, because I strongly advocated for the program since arriving in the Senate. Second, because it is one of the most critical programs that received one of the most devastating cuts in the appropriation bill.

The Byrne/JAG program is the primary provider of Federal criminal justice funding to State and local jurisdictions, and the funding supports all components of the criminal justice system, from multi-jurisdictional drug and gang task forces, to community crime prevention programs, to substance abuse programs, prosecution initiatives, domestic violence programs, and information-sharing initiatives.

I will tell you that our law enforcement officials—our sheriffs, our prosecutors, our drug court professionals, and many other public servants in the law enforcement community rely on this funding to make our communities safer. The results they get with the Byrne/JAG funding are tangible and real. In my home State of Georgia, the Byrne/JAG funding program has been essential to fighting crime, drugs, and gangs across the State.

I want to highlight a few successes in Georgia from the Byrne/JAG program during the 2006–2007 grant period. Multi-jurisdictional task forces were able to make 5,600 drug arrests and seize almost $50 million in drugs. Twenty-five hundred law enforcement officers were trained in more than 100 different classes offered by the Georgia Public Safety Training Center through its drug enforcement training program.

The Georgia Bureau of Investigation's State Drug Task Force led a cooperative investigation resulting with an interstate drug enforcement effort with the State of Alabama that received national recognition. The Georgia Information-Sharing and Analysis Center is Georgia's Homeland Security State-level fusion intelligence center. The center expanded its Southern Shield initiative and widened the focus for intelligence integration in the region by coordinating with 12 other States within the southeast on intelligence collection and dissemination. Nine drug court programs were supported, as was a mental health court diversion program.

During fiscal year 2007 when the national funding level was at $520 million, the State of Georgia received $12.4 million in Byrne/JAG funding. If we cannot restore the funding that was cut in the 2008 omnibus, Georgia is projected to receive $4.6 million. This difference of $8 million will make a huge difference in my State.

Sheriff John Cary Bitick from Monroe County, Georgia was recently in Washington to urge that Congress find a way to restore

this cut in funding. Sheriff Bitick is the former president of the National Sheriffs Association and has been very active on and off the Hill over the years.

When we met, he told me that without restoration of these funds, 60 percent of the drug task forces in Georgia would disappear. These cuts are the scope that the drug task forces that rely on them cannot bring the gap until we complete the fiscal 2009 appropriations process.

I am afraid that our rural areas will be most affected. My hometown is in a rural part of Georgia, down in the very southwest part of the State, so I know first-hand the challenges that small-town police chiefs and sheriffs face from a funding perspective. One great thing about the Byrne/JAG program is that the money is allocated so that 40 percent of the funding is distributed to local governments.

In many cases, grants from the Byrne/JAG program are the only source of Federal funding for sheriffs and police in smaller communities. Immediate action is needed. I am pleased to join with so many of my colleagues to try to do just that in the supplemental appropriation bill that Congress is expected to take up this spring.

I'm sure each and every member of this Senate has heard from a law enforcement official in their State about the importance of the Byrne/JAG program to helping them fight methamphetamine and other drug trafficking, as well as gang violence and other crime. I think this program enjoys such widespread bipartisan support here in the Senate because we know of the good results it produces. We know that for so many localities, this is where the rubber hits the road in terms of ability to tackle the critical tasks they face. Particularly in light of the new security environment in which we live in the post-9/11 world, as we call on State and local law enforcement to do more, we have to provide them with the resources they need to carry out their duties.

I thank the Chairman for allowing me the opportunity to be here and to put this in the record, this critical information regarding the Byrne/JAG program in my State. I look forward to working with this Committee as we move forward with Senator Harkin and others to make sure that our law enforcement continue to have the tools they need to fight crime at the local level.

Thank you very much, Mr. Chairman.

Chairman BIDEN. Thank you for your testimony, gentlemen. I know you are very busy. I just would say, before I yield for 2 minutes to my friend, or whatever he needs—my friend from Wisconsin, who is managing a bill on the floor, he may want to make a statement, if you could wait just a couple minutes.

As we all know, we ended up with the omnibus bill, but you guys, out of your subcommittee, for the bill that we hoped had passed the Senate, $587 million for the COPS program as well. I know we're talking about Byrne grants today, but I hope I get a chance to talk to you fellows about the COPS program, as it received significant support in the Senate the last time out. But at any rate, I know you're busy.

Senator Feingold?

STATEMENT OF HON. RUSSELL D. FEINGOLD, A U.S. SENATOR FROM THE STATE OF WISCONSIN

Senator FEINGOLD. Thank you, Mr. Chairman, for your leadership on this issue over the years. And thank you for chairing this important hearing. I, too, want to thank Senators Harkin and Chambliss for their hard work on this. This is as close to a consensus issue as you can find.

I am also deeply concerned about the current state of Federal funding for grants that aid State and local law enforcement agencies, in particular the Byrne Justice Assistance grants and the COPS grants. The fiscal year 2008 funding levels were far too low, and for fiscal year 2009 the President's budget proposal once again proposes to slash funding for these programs.

This continues to be the number-one issue that I hear about from police officers, prosecutors, and other law enforcement officials in Wisconsin. Mr. Chairman, I know because I have held 30 town meetings already this year, and we have the record amount of snow in the history of the State of Wisconsin. We've had 100 inches of snow. These police officers and sheriffs come in whatever the weather, whatever the conditions, to tell me how worried they are about Byrne grants. It is the most consistent message that I'm hearing throughout the entire State of Wisconsin. They desperately need this Federal funding.

If you think about the context in which these brave men and women are trying to keep our communities safe, the violent crime rate has been rising, particularly in Milwaukee. State and local agencies are being expected to do more and more as new Homeland Security responsibilities continue to crop up and other resources like the National Guard, on which these agencies used to be able to rely, are no longer available, many times, because of the war in Iraq. In the midst of this, Federal funding has been going down.

Mr. Chairman, as you know, we have to help. I was deeply disappointed in the fiscal year 2008 appropriation for Byrne grants, which was just $170 million. This is a sliver of the authorized amount, which is more than $1 billion annually, and also a dramatic cut from the $520 million that Congress appropriated to Byrne grants in fiscal year 2007.

In Wisconsin alone, this results in a $4.1 million reduction in Federal funds to State and local law enforcement between 2007 and 2008. Then on the heels of that, the President's new budget proposal eliminates funding for both Byrne grants and COPS grants, replacing them with new, woefully underfunded proposals. So the hearing is important and I look forward to working with you. Thank you, Mr. Chairman and my colleagues, for understanding that I am going to ask to put my full statement in the record. I regret I can't stay for all the testimony.

Chairman BIDEN. Without objection, it will be placed in the record.

Senator FEINGOLD. Thank you, Mr. Chairman.

[The prepared statement of Senator Feingold appears as a submission for the record.]

Chairman BIDEN. Thank you.

Senator, do you have any questions for our colleagues?

Senator COBURN. I just wanted to emphasize, I understand the cross-jurisdictional area and I am fully supportive of that. The drug task forces have been phenomenal. The point that I think you, Senator Harkin, made which we should not lose, is the unwinding of these drug task forces, you won't put back together for years because of the experience, the knowledge, the contacts, the informants, and everything else.

So, the timeliness of what you're doing, I agree with. I think we've got to get it done and we've got to get it done to a certain extent. I think we also have to make sure we get the authorization done, since it hadn't been authorized since 2005. So we're appropriating on something that has no authorization, which we do to the tune of $280 billion a year right now and we ought to be authorizing it.

Senator CHAMBLISS. I would expect, Mr. Chairman, that Senator Feinstein and I will have our amendment in the budget process back on the floor in a couple of weeks.

Chairman BIDEN. I look forward to that. As I told my staff, the bad news is for them, I'm back from Iowa, Tom, so I'm going to be paying a whole heck of a lot of attention to this.

At any rate, thank you gentlemen for coming over. We appreciate your support very, very much, and your time. Thank you.

Our next panel would be Mark Epley, Senior Counsel to the Deputy Attorney General. He's testified for the Department on the crime hearing last year. It's good to have you back, Mark. Thank you very much.

As you can see, you have no opposition here. Everybody is going to love the fact you're eliminating Byrne grants. So I just want you to know, we'll provide you with Capitol Hill police protection out of the room, but not down the hall. So you're on your own, Jack. Anyway, all kidding aside, welcome, Mark. We're happy to have you here. The floor is yours.

STATEMENT OF MARK EPLEY, SENIOR COUNSEL TO THE DEPUTY ATTORNEY GENERAL, DEPARTMENT OF JUSTICE, WASHINGTON, DC

Mr. EPLEY. Thank you, Mr. Chairman, Senator Coburn.

As you mentioned, I came representing the Department last May and engaged in a dialog with this distinguished panel about the right role of the Federal Government in assisting State and local law enforcement with violent crime. I'm very glad to be back to continue this dialog, particularly in light of new crime statistics and the President's 2009 budget request.

I'll just make two points. First, when we look at the crime statistics we see that there are a number of cities struggling with violent crime, but the data do not reveal nationwide trends or any particular case.

The second point, is the Department's approach to strengthen partnerships with law enforcement, State and local law enforcement, and to target resources is well suited to the crime challenges that we see.

First, as to crime statistics, the 2007 preliminary Uniform Crime Report from the FBI shows that the first half of 2007, violent crime went down 1.8 percent when compared to the preceding year. It's

just a preliminary report, however, and it could change by the time the final comes. There are still struggling cities that are represented in the 2007 report, but it is nonetheless encouraging. But to get the best site view of the state of violent crime in America, you need to go to the final reports.

Now, for some historical context. In 1992, the FBI measured sort of the all-time high in the rate of violent crime. Violent crime has been decreasing since then every year through 2004. In 2005, it went up 1.3 percent. In 2006, almost another percent. In our effort to understand what was going on, what caused this uptick, we looked closely at the numbers. We talked to the field, to academics.

What we saw is that different sized cities were differently affected, different regions were differently affected. For example, when you look at 2005 and 2006 together, just 16 cities are responsible for 50 percent of the increase in violent crime that was reported in 2005 and 2006. I'm happy to report that all those cities that applied for Department of Justice funds for a new grant program to support violent crime task forces received funding.

Which brings me to my second point, that the Department's approach to strengthen and grow partnerships with State and local law enforcement, to target resources to communities to solve their particular problems, is best suited to the kind of crime challenges we're seeing.

We've done that through the FBI Safe Streets task forces. We've done that through the ATF's Violent Crime Impact Teams, of which there are 30 around the country. We've done that through the U.S. Marshal's Fugitive Apprehension Task Forces, working with State and locals, the FALCON program. We've done that with Project Safe Neighborhoods. Adding prosecutors, giving small grants to local law enforcement, working together, we have doubled the number of gun prosecutions in the last 7 years when compared to the preceding 7 years.

We appreciate, though, that partnership does take resources. One of the ways that we support our partners is thorough equitable sharing. In this last year, the Department returned $410 million to our State and local partners. These are law enforcement agencies with whom we've done joint operations and the proceeds, the assets, and the cash seized, we pushed that back, a large measure of that back to our partners. But the other way that we support partnerships is through grants.

As I mentioned, there's a new program that the Department financed last year. We invested $75 million in 106 communities around the country, investing in violent crime task forces. Those resources allow law enforcement to target, using intelligence-led policing, resources to the specific problem that that community has.

So, in short, Mr. Chairman, we believe that the Department's budget this year has struck the right balance between investing in our core mission, defending against the threat of terrorism, and investing in our State and local partners in the most value-added way.

Thanks again for the opportunity to be here.

[The prepared statement of Mr. Epley appears as a submission for the record.]

Chairman BIDEN. Well, thank you. I just have a couple brief comments and I'll yield to my colleague.

You know, when we talk about crime I always find it fascinating. I've had this debate now for the last 30-some years. By the way, your returning to the local governments the money you're talking about is required by law, a law that I wrote about 18 years ago. The Federal Government didn't want to participate in it in the past. So it's not like it's largesse, you had no option, No. 1.

But No. 2, the thing that fascinates me, and I wonder if you could comment on it, I thought our job was, State and local, to continue to reduce crime. The fact that crime may have now ticked up or gone down, we can argue about that. We're talking about, we still have, as of the statistics of 2006, 1,417,745 violent crimes committed in the United States of America. Now, granted, that's down from a high of 1994, when the Biden crime bill passed, 1,857,760 crimes, but it's still 1,417,745.

Now if we could, just for the sake of discussion, by expending additional money bring that down to 1,300,000, you'd still have a heck of a lot of crime but you've taken over 117,000 people out of the cycle of crime and being victimized. We had, this year, the total number of murders in the United States still at 17,034. We talk about that like it's good, like somehow we've met our objective. We only have 17,034 murders.

So I guess what I'm trying to say to you is, we can argue—and we will in exchanges of papers here—about whether crime is trending up or down, where it is, what the causes of it are, et cetera. But the bottom line is, you still have the last full report. You have 1,417,745 violent crimes, 17,034 murders, 447,403 robberies. That's the United States of America, making us one of the most dangerous countries in the world. I mean, I find that—we accept it as that's good, we've met our goal, we only have 1.4 million violent crimes.

The last point I'll make, and stop. I'm happy to welcome any comments you'd make, and I will not respond in the interest of time here. But the other thing is, I know probably a place where my friend Senator Coburn and I probably disagree is the role of the Federal Government. Sixty percent of all the violent crime in America is directly related to drug trafficking. I don't know, other than meth labs, and even there it doesn't exist—I don't know any place where it's a State responsibility.

If I'm not mistaken, all those drugs come across the border. Almost all of them. Some are made here. Precursors come across the border. Not all of them. Not all of them. Heroin comes across the border. The bulk of the cocaine comes across the border. I kind of thought that was a Federal responsibility. What can the State of Iowa or the State of Oklahoma do about the border? What can the State of Delaware do about the border?

So I just want to make the generic point, this notion of devolution of government and Federal responsibility, Federal responsibility seems to me to implicate an awful lot of State problems. So, for example, I'll bet you the States will make a deal. If we could just stop all the—if we could significantly improve the Federal portion of the deal, and that is keeping heroin and cocaine, just those two, out of the country, which is a Federal responsibility, I'll bet

you they'd say, OK, we don't need any help. We don't want any of your help. You keep all the heroin out, you keep all the cocaine out, I don't need your help at all.

So Federal failure sets up State problems, so that's why I argue that there is a role and responsibility for the Federal Government to be directly impacting on local law enforcement. But again, we will go into this argument more, but I just wanted to make those two generic points. I'd invite any comment you have. You don't have to. I'd invite any comment and I would yield to my colleague.

Mr. EPLEY. Thank you, Mr. Chairman, for a chance to respond. You suggested that there is a difference of opinion, perhaps, over the rates of crime. Honestly, I don't know that we're that far apart. I think we both agree that there are a number of communities that are facing serious violent crime challenges. My sole point in that regard was that we don't perceive a nationwide trend. It may be that one point of disagreement, or at least a point of dialog that would be of great profit to continue, and that is, what is the best approach to violent crime.

I do think, because you had indicated sort of the inextricably linked Federal, State, and local roles on things like drug control, crime control that's drug-related, related to illegal firearms. We can't do crime control without meaningful partnerships, Federal, State, local. I want to suggest that the Department's approach, represented by the President's 2009 budget, includes, for example, $200 million for violent crime task forces.

Mr. Harkin mentioned that the JAG Byrne is the only source of multi-jurisdictional task force funds, and he's correct. If Congress were to authorize and fund the President's request for violent crime task forces, that $200 million could be speeded to communities that have particular challenges and would go to address their customized solution, if you will.

Last year in the 2007 appropriations bill there was a good deal of money invested in the JAG Byrne program, and I know that State and local law enforcement made great use of it. As it happens, only $103 million ultimately ended up to support drug task forces. The balance went to other activities, drug courts and other very, very worthwhile activities. But even there, State administrating agencies, they had to make difficult choices about how to best apportion that money. So, I would just suggest that there's a great profit in continuing this dialogue about the best way to aid our State and local partners.

Chairman BIDEN. The one thing I found after thousands of hours of hearings in the last 35 years, if there's going to be a crime committed in an intersection and there's three cops on three of the four corners, the crime will be committed where the cop is not. If anyone suggests to me that there's any evidence that by putting another 50,000 cops on the street we're not going to further reduce crime—forget trends, just further reduce crime in absolute numbers—I think defies what we have learned over the last 20 years.

My generic point is, $200 million in Byrne grants, which is what you referenced, how they made good use of it, the request was for $570 million. If $200 million served well, $570 million would serve it better, unless you're arguing that there's not enough crime to go

around. My generic point is, there's a whole lot of crime to go around.

Anyway, let me yield to my colleague from Oklahoma. Senator?

Senator COBURN. Thank you, Mr. Chairman.

Just a couple of questions. What was the balance that the Justice Department carried over at the end of last year?

Mr. EPLEY. I don't know.

Senator COBURN. I do. It's $2.87 billion. For those who are not aware, the Justice Department is the only agency of the Federal Government that gets to keep their unobligated balances, a large percentage of them. No other branch agency is afforded that. It just comes to mind that we could probably solve the Byrne/JAG problem without doing a supplemental. We could probably do it very quickly with an authorization bill that we take a portion of the $2.87 billion in unobligated balances and immediately put $400 million into the Byrne/JAG grants.

We don't have to have a supplemental appropriation, all we have to have is an authority to do that and a direction to tell the agencies to do that. So, that's an important thing to note. We know that because the Federal Financial Management Oversight Committee discovered this in the last 2 years, fifty-some hearings on waste, fraud and abuse in the Federal Government.

The administration's recommendation is to zero out Byrne/JAG grants. Why? You'd have to be up here defending it. You may not agree with that, but you have to defend it. So, let's hear you defend it.

Mr. EPLEY. The approach that the Department has taken, and is represented by the 2009 budget request, is to target resources where they're most needed. So, for example, in the context of those 16 cities that in 2005 and 2006 drove half of the violent crime increase reported in those 2 years, all the cities that applied for task force grants received funding.

Our strategy is to leverage our partnership with Federal resources, whether it be through Project Safe Neighborhoods, taking the worst of the worst offenders, processing them through the Federal system, including serving time in BOP, all of which costs Federal resources but relieves that community of a troublemaker, a violent person, and takes the State correctional costs away as well.

We're looking for opportunities to leverage what we have, leverage our collective resources in the most effective way, and to target spending where it came make the biggest value added difference. The JAG program has been used and made good effect, but it's a formula program that every State, whether it has a particular present need, present crime problem or not, or community, gets a piece of this money.

Now, Federal resources, even at its heyday, the greatest amount of Federal investment in State and local law enforcement grants only amounted to be about 4.5 percent of all State and local spending on police protection. So when our share is relatively small, our view is that we need to invest it in the most value-added way.

Senator COBURN. Let me take issue with that for a minute. How many drug task forces did we have before we had Byrne/JAG grants? Not a lot.

Mr. EPLEY. No.

Senator COBURN. And 80 percent of them are going to go away.

Mr. EPLEY. It's a very important—yes.

Senator COBURN. Eighty percent of the drug task forces in this country are going to go away under the President's budget.

Now, the question would then come, what's going to happen to crime, and the rate of crime, and serious crime, which we know a lot is related to drugs anyway, either in the trafficking or in the addicted personalities associated with that? What's going to happen? Are you all not penny wise and pound foolish on this to think that we could reduce the drug task forces in this country 80 percent and think that there's not going to be a large pop-up in the consequential action that we're not interdicting all these people?

Mr. EPLEY. Senator Coburn, the President's 2009 budget request asked for $200 million for task forces, to support violent crime task forces.

Senator COBURN. Why take something away that's working? Why are we taking away something that's working effectively? We have DAs, we have sheriffs' departments, we have U.S. Marshals, we have the FBI. We have them all working together in interdicting this. So, sure, you've got another program which is not authorized and you've got $200 million, and we've had $600, or $520 million in average in the last four or 5 years, so you're going to reduce it 60 to 65 percent and then redirect it with another bureaucracy? We've got a bureaucracy already. We've got one that we have to supply the answers to and the results to.

The fact is, is the drug task forces are one of the keys to keeping some of our communities safe because so much of the other crime is surrounded around drugs. So to me, I don't understand. I know you have a tough job. You were sent up here to defend it. The point is, I think it's indefensible because I think that's a legitimate Federal role to aid in that because it's across State lines, and very often multiple States. In Oklahoma, sometimes it's three and four States at one time that are working together. So, I just would comment for the record.

The other thing that I would put in, is one of the things Congress doesn't do is prioritize the funding well. That may be part of what your all's evaluation is. For example, Hawaii ranks fourth in funding, yet 41st in methamphetamine. But they get the fourth highest amount of money on methamphetamine, but they're 41st in terms of problems with methamphetamine.

So, that tells you that we're not doing a good job and that's one of the things we ought to fix. I've made a career of trying to fix priorities within the Senate. I don't know how successful I'm being, but I'm sure being an irritant to a lot of my colleagues as I try to continue to do that.

I thank you for your testimony. I think it's hard to come up here and defend this position. Matter of fact, I don't think it's defensible in terms of what's going to happen if we really do gut this program.

Mr. Chairman, I think we ought to have a frank discussion with Senator Feinstein, and Senator Chambliss, and Senator Harkin, because I think we can do this more quickly than with the supplemental.

Chairman BIDEN. I think you make a very good point, Senator I'm anxious to do that and I will call just such a gathering.

Well, do you have any other comments you'd like to make?

Mr. EPLEY. Just one note for the record, Senator Coburn.

Chairman BIDEN. Sure. Please.

Mr. EPLEY. You mentioned a pretty significant 10-figure amount of unobligated balances. I'm not sure what all is made up in that. If it includes, for example, the Crime Victims Fund, that—

Senator COBURN. You all, in the last budget, decided you were going to take that and spend that money, even though it's—the administration has decided that they would take the money that's designed for crime victims and use it as part of your budget, which I adamantly object to. But you all did it anyway.

Mr. EPLEY. Respectfully, both Congress and the administration, in assembling the budget request and appropriations, used that as an offset for spending. But leave that aside, I'm going to look at that. I think that those unobligated funds include things like witness fees, asset forfeiture funds, working capital funds, certain things that are part of our working budget.

Senator COBURN. And the $100 million a year over which the Justice Department gets full discretion under how they want to spend it. It's not overseen by the Congress that you all get. Under a special case, the Justice Department gets that. No other agency gets it.

So I'm not against you having it, but I am against holding $2.87 billion when we're struggling with task forces, when it's going to make a big difference on school children, young people, college students in this country who are multiply attacked with the enticement to become addicted to drugs. And it's not just the crime, it's the total cost to our society that's associated with it.

Mr. EPLEY. Senator Coburn, we will go back and look at that. I just want to suggest that those funds support our core justice mission. It's not as if it's a bank account that we're keeping for a rainy day, those support current and ongoing operations.

Senator COBURN. I understand. But I'll be happy to give you the continuing load of unobligated balances, which have been in excess of $2 billion now for seven or 8 years. If we've got $2 billion sitting there floating through it, then we can find $400 million to go for the JAG grants.

Chairman BIDEN. As they used to say in those old "Smokey and the Bandit" movies, what we got here is we got ourselves a communications problem. And what we got here is, you all got a problem, because when Senator Coburn and I, who don't often agree on a lot of things, agree, you all have got a problem. So I'd go back and I quickly find out where that $2.6 billion is, how much you need it, how much relates to the Crime Victims Fund. A guy named Thurmond and I fought for 7 years to get that Crime Victims Fund set up. You're right, Congress may have signed on with the administration on using that as part of the budget, but I think that's going to change pretty quick.

Anyway, it's delightful to have you here. I'm sure you've enjoyed it.

[Laughter.]

Like I said, would any person wearing a uniform volunteer to escort the gentleman out? That's a joke, by the way. I wanted to get a little bit of humor here. But thank you for doing your job, Mark.

You're here and I appreciate your testimony. I truly appreciate you coming up.

Mr. EPLEY. Thank you, Mr. Chairman.

Chairman BIDEN. It's not an easy position to defend. Thank you very, very much.

Mr. EPLEY. Thanks.

Chairman BIDEN. Now, our next panel is the Commissioner from a suburb of Wilmington, Delaware, Philadelphia, Pennsylvania. We have the Philadelphia, Pennsylvania Commissioner, Charles H. Ramsey. Prior to this appointment in Philadelphia, Commissioner Ramsey was the longest serving chief of the Metropolitan Police Department here in the District of Columbia. He's well known to many of us on this committee and in this Congress, and he was Commissioner of the Independent Commission on Security Forces on Iraq. We appreciate that, in my role in the Foreign Relations Committee. Chief, we appreciate you taking the time.

From Delaware, we have the Chief of Police in the city of Dover. Chief Horvath also serves on the board of directors of the Delaware Police Chiefs Council, and is a member of the International Association of Chiefs of Police. Testifying on behalf of the National Association of Police Organizations is Anthony Wieners—pronounced "Weiner", as my staff points out here. I apologize if I mispronounce. You can call me "Bidden" if you like. Officer Wieners is a member of NAPO's executive board and an active officer, and he is also president of the New Jersey State Policemen's Benevolent Association.

Gentlemen, thank you very much for your time here today. We're anxious to hear your testimony. Why don't we proceed in the order in which you were introduced?

Commissioner?

STATEMENT OF CHARLES H. RAMSEY, POLICE COMMISSIONER, PHILADELPHIA POLICE DEPARTMENT, PHILADELPHIA, PENNSYLVANIA

Commissioner RAMSEY. Thank you, Mr. Chairman. I also want to thank you for all the support you've given law enforcement over the years. We have had a chance to work together on quite a few issues and you're always there whenever issues of concern come up with the law enforcement community, and I want to thank you for that, and all members of the subcommittee. Thank you for the opportunity to appear before you today to discuss this very important topic.

My name is Charles H. Ramsey, and I'm currently the Commissioner of Police for the city of Philadelphia. Like many American cities, the city of Philadelphia has been struggling in recent years with an increase in many types of violent crime. We've had to endure these troubles at a time of declining support from the Federal Government.

As you are all well aware, funding for the Byrne Justice program has been cut almost in half over the past 2 years, and funding for the COPS program has been nearly eliminated. Other funding sources have also been reduced dramatically, and I'm here to talk to you about the challenges we face and the ways that the Federal Government can help.

With additional funds, we, like many other major city police departments, could increase the number of police officers on the street, enhance our technological capabilities, improve the training of our officers on the best practices of modern policing and rehabilitate our inadequate facilities.

My testimony reflects what Philadelphia is experiencing and doing about violent crime, however, Philadelphia's experience is reflective of what other major cities are experiencing across this country.

The Police Executive Research Form, or PERF, surveyed 56 jurisdiction in 2005 and 2006 and reported that many cities saw homicides increase 20 percent or more. The results of 2007 were more promising in some cities, while others are still seeing increases in violence.

On the day of his inauguration, Mayor Michael Nutter asked me to develop a crime-fighting strategy, which he and I delivered to the city on January 30th. The focus of the crime-fighting strategy is a return to the basics of policing, combining what works from traditional crime fighting with the best of community policing. It is a bold, aggressive plan for a long-term, sustainable reduction of violent crime in Philadelphia.

The strategy, which is already being implemented, has several components, including the following strategies: putting more cops back on the street; focus on the toughest neighborhoods—we found that 65 percent of our violent crime is concentrated in 9 of our 23 patrol districts—expand the use of technology that works in our fight against crime.

The crime-fighting strategy is intended to achieve Mayor Nutter's goal of reducing homicides by 30 to 50 percent over the next 3 to 5 years. I believe that it can work, and the mayor, in his recently introduced budget, has given our department additional funds to implement the plan. However, major urban areas are feeling the effect of the recent downturn in the U.S. economy. Local and State tax revenues are declining, while there is an increasing demand for public services. Cities need Federal financial help in fighting violent crime.

Let me briefly list some of the many ways that Federal resources could assist us in our efforts. For several years, the Federal Government provided funds to support the hiring of additional police officers. Between April 1, 1995 and August 31, 1999, the city of Philadelphia hired 773 police officers under the COPS program. However, despite the efforts of you, Senator Biden, and others, the funding for that program has been drastically scaled back since 2002.

As a result of this change and other challenges, the number of police officers on the streets declined for several years. Mayor Nutter, with assistance from Pennsylvania Governor Edward G. Rendell, is working to reverse this trend, and the fiscal year 2009 budget contains funding to hire new officers. However, the city has many demands on its limited resources. Federal support for the COPS program would enable us to get more desperately needed officers on the street.

Basic aggressive community-based policing is the most important crime-fighting tool that a police department can implement, and

this kind of policing requires up-to-date intense training of police officers in several techniques, including community engagement and targeted tactics such as stop-and-frisk.

Community policing is a time-intensive process that requires a deep understanding of the neighborhoods we serve. Additional Federal funding would enable us to collect more sophisticated data about community conditions and needs and to enhance our training and community outreach efforts. Although our patrol officers are on the front line of our public safety system, technology also plays a crucial role in a comprehensive crime-fighting strategy.

Because of declining resources, the Philadelphia Police Department is behind in its application of modern technology to prevent and solve crimes. There are numerous areas where additional funds to enhance our technology would make a major difference in our ability to protect our citizens.

One example is surveillance cameras, which are excellent tools to document and prosecute criminals. In addition to serving these purposes, their mere presence has a dramatic deterrent effect, preventing crime in the immediate area. The fiscal year 2009 city budget includes funding for an additional 250 cameras, but many more areas could be covered with Federal assistance.

Another area in which the technology would improve public safety would be through enhancing our response to violent crimes by creating real-time crime centers and with the purchase of mobile rapid-response command centers. These units, which are used in many cities, would enable investigators to immediately access data bases to obtain the information needed to solve crimes. Such technology would greatly improve our ability to close cases, and equally important, to prevent the loss of any further life through retaliatory violence.

Another area where additional resources would help us is by supporting improvements in the department's investigation of gun crimes. Criminals who use guns during the commission of a crime are a direct and imminent danger to our communities. The Federal gun laws have substantial penalties, which include mandatory minimum sentencing. Thus, the Philadelphia Police Department is working with the U.S. Attorney's Office and ATF to substantially increase the number of gun cases prosecuted at the Federal level.

However, it is very difficult to make progress in this area, given limitations of the department's ballistic investigation system, which currently has a backlog of more than 6,000 pieces of ballistic evidence waiting to be tested. This impedes the department's ability to identify and prosecute offenders in a timely fashion. Additional Federal resources would enable us to get through this backlog and get guns off the street.

Finally, the department, like police forces in many other cities, suffers from an overwhelming need for capital investment. Old, decrepit facilities and an aging and high-mileage vehicle fleet hamper effective crime fighting and lower morale. A recently completed study by the Pennsylvania Inter-Governmental Cooperation Authority concluded that the city's police stations and training facilities are among the most dilapidated publicly owned buildings in the city's inventory.

Mayor Nutter has committed in the 2009 budget to make an investment to improve this situation, and the department is working with the city to develop a multi-year capital improvement plan to repair or replace aging police facilities, and an information technology plan to bring the department into the 21st century. However, without State and Federal resources it will take decades to bring our facilities up to modern standards. These are just a few of many areas in which additional Federal resources would make a major difference in the lives of our residents.

As we all know, the daily assault of violent crime falls harder on some of us than others. The televised grief of family members devastated by a shooting seems to lead the news every evening. But even families untouched by violence and neighborhoods are tainted by mayhem and demoralized by death and disorder in our city. It is the job of the mayor, the police commissioner, and the whole police force to unite the resources of the whole community to calm the violence, restore order, and begin to build a tangible future for people who don't seem to have one today.

Of course, homicide is often the end result of a series of negative and misguided actions, events, and decisions. Programs aimed at prevention, such as the Byrne Justice program-supported Youth Violence Reduction Partnership, or YVRP, have had measurable successes in intervening in young people's lives and providing intensive services to those most likely to kill or be killed. We are thankful to Senator Specter for his leadership and recognizing the importance of disrupting the cycle of violence in the lives of our young people, and for securing funds for this program. However, with current funding, YVRP only serves a small percentage of our population. Additional Federal resources would help us achieve our goal of making the program city-wide.

I should also mention that in Philadelphia we are working toward a holistic public safety effort that focuses not just on prevention, but the reentry of ex-offenders as well. Philadelphia Re-Entry Program, or PREP, provides incentives to businesses to employ ex-offenders, because the best crime prevention program is a job. We are, again, grateful to Senator Specter for recognizing the merits of this program and for proposing a similar initiative at the Federal level.

Finally, we must not forget that our major urban areas are still terrorist targets. The belief is that the terrorists have not forgotten us, but are planning their next big attack. Local law enforcement officers will be among the first responders to a terrorist attack and may be the one to prevent an impeding attack.

The local neighborhood terrorist is the focus of major city police departments, however, we are very much aware of our dual responsibility to neighborhood security and homeland security. We are stretched thin, and past homeland security funding was essential to bring local law enforcement up to the task of homeland security. Now is not the time to retreat on that commitment.

Congress must fund the Law Enforcement Terrorism Prevention Program, LETPP, at $500 million and as its own line item. We also need stability in the urban areas covered under the Urban Areas Security Initiative, or UASI, for planning and sustainability. Local law enforcement officers have proven they can fight neighborhood

crime and prevent and respond to terrorist attacks, but we need your help. No community prospers, or even survives long, without safety.

Safety is why people come together to govern themselves in the first place. Just as providing for the common defense is the fundamental obligation of our national government, it is the very first obligation of local government, is to protect the lives of its residents. Mayor Michael Nutter and I have committed to making the safety of every Philadelphian a priority for this administration, and like other cities we could use some help in doing this.

So, Senator, again, I want to thank you for putting together this hearing on this very important and vital topic. I also want to thank other members of the Committee as well. Thank you.

Chairman BIDEN. Thank you, Commissioner.

[The prepared statement of Commissioner Ramsey appears as a submission for the record.]

Chairman BIDEN. Chief?

STATEMENT OF JEFFREY HORVATH, CHIEF OF POLICE, DOVER POLICE DEPARTMENT, DOVER, DELAWARE

Chief HORVATH. Thank you, Senator. Chairman Biden, I would like to thank you for allowing me to speak here today. I consider it an honor and a privilege. As you already know, being from Delaware, I'm the Chief of Police at the Dover Police Department. I also currently serve on the board of directors of the Delaware Police Chiefs Council, and I am the second vice chairman of the Delaware Police Chiefs Foundation. I also serve as Delaware's representative to the State Association of Chiefs of Police, known as SACOP, which is a division of the International Association of Chiefs of Police.

I'd like to think that I'm not just here representing the 91 sworn men and women of the Dover Police Department, but that I'm also representing the Delaware Police Chiefs Council and the smaller departments of the State of Delaware.

Dover is the capital of the first State, and Dover Police Department is the fourth largest police department in the State. Our jurisdiction consists of 29 square miles, and I can state with absolute certainty that the use and sale of illegal drugs is the greatest challenge for the men and women of my department. A majority of our serious and violent crimes are directly or indirectly related to the use and sale of illegal drugs.

In the 1990s, there was a violent crime crisis across this country. This crisis also affected the city of Dover. In the 1990s, the rise in violent crime peaked, with a 73 percent increase in Dover. The COPS program helped communities like Dover to put more police officers on our streets and in our schools. Over the next few years, we saw violent crime drop by 35 percent in Dover alone.

Since I became the Chief of Police in March of 2001, I have been able to increase the authorized strength of the police department from 81 sworn officers to 91 sworn men and women. Six of those officers were funded by the COPS program; four of the funded officers were added to patrol our streets and our neighborhoods and two were placed into our schools to work as school resource officers.

Capital School District was the last school district in the State of Delaware to get a school resource officer in its high school. We could not have done that without COPS money. There is no measure to properly show the value of these officers. Without a doubt, the addition of these six officers has made the Dover Police Department a stronger force.

Unfortunately, violent crime is back on the rise. In the last 2 years alone, violent crime has risen 30 percent in Dover. I'm pretty sure Dover is not one of the 16 cities across the country that has increased the national violent crime percentage, but we are seeing it in Dover. It is important that we get back to basics.

There are departments in the State of Delaware and across the country that need more police officers on the streets, equipped with the tools and resources needed to keep our community safe. The best way to help us is to fully fund the COPS program. Since September 11, 2001, the Federal focus has been taken off of street crimes and has eliminated funding for COPS hiring. Much of the funding has been moved to the Department of Homeland Security.

While I support the need for increased homeland security funding, I think it is vital that we don't forget our most important security function, which is hometown security. As I, and many other chiefs before me have stated, hometown security is homeland security. Local law enforcement has demonstrated this on numerous occasions.

Law enforcement is being asked to do more with less. If we have fewer police on the streets to prevent crime and to protect our communities, we will see a rise in crime across this country. That is inevitable. The COPS program used to be funded for over $1 billion. It has been cut to $20 million this fiscal year, in fiscal year 2008.

The President's proposed budget for fiscal year 2009 would completely eliminate the COPS program. As a police chief, I consider this to be an irresponsible approach to policing in the United States. COPS grants have funded 463 additional police officers to engage in community policing activities, including crime prevention, in Delaware.

Local and State law enforcement agencies in Delaware have directly benefited from funding made available through the COPS office. Nearly $1.6 million has been awarded for 13 school resource officers to improve safety for students, teachers, and administrators in primary and secondary schools throughout Delaware. Over $10 million has been awarded for crime-fighting technologies which have allowed officers to spend more time on the streets of Delaware, fighting and preventing crime through many time-saving technologies, information-sharing systems, and improved communications equipment.

The Byrne Justice Assistance Grants were previously funded at over $900 million before the current administration took over. For fiscal year 2008, this funding has been cut by 67 percent, from $520 million to $170 million. The President's proposed budget for fiscal year 2009 eliminates the Byrne/JAG funding completely. These proposed cuts would jeopardize numerous programs in Delaware which could affect the quality of life for our citizens.

I just also recently learned that funding supporting the Regional Information Sharing Systems, known as RISS, has also been cut. I think that is also a huge mistake. That is a key piece to law enforcement across the country.

In closing, Federal grant funds have been extremely important to local law enforcement agencies in Delaware and across the country. My department alone has received over $1.2 million in Federal grants over the past 10 years. These funds have greatly assisted the Dover Police Department in its mission to protect the citizens and visitors of Dover, Delaware. By properly funding the COPS programs and the Edward Byrne Memorial Justice Assistance Grant programs, we will be able to better ensure success of our law enforcement efforts in preventing and reducing crime.

On a personal note, Senator, from all the chiefs in the Delaware Police Chiefs Council and from the Dover Police Department, I would like to thank you for your undying support to law enforcement.

Chairman BIDEN. Well, thank you very much.

Mr. Wieners, welcome.

STATEMENT OF ANTHONY F. WIENERS, EXECUTIVE BOARD MEMBER, NATIONAL ASSOCIATION OF POLICE ORGANIZATIONS, ALEXANDRIA, VIRGINIA

Mr. WIENERS. Good afternoon, Mr. Chairman. My name is Anthony Wieners. I'm a detective with the Belleville, New Jersey Police Department. I also serve as the president of the 33,000-member New Jersey State Policemen's Benevolent Association, and I am an executive board member with the National Association of Police Organizations, which represents 238,000 sworn law enforcement officers throughout the country.

I'd like to thank you for the opportunity for being here today, but on behalf of every law enforcement in this country I'd like to thank you for your passion and dedication to our cause over the years that you have served.

Chairman BIDEN. Thank you.

Mr. WIENERS. The duty of every law enforcement officer in America is to serve and protect the peoples of our community. As such, we need the manpower and tools to do our best to fight crime, and as part of the national crime-fighting strategy we require the full support of the Federal Government now more than ever.

I am here today because State and local law enforcement officers in America are being dangerously short-changed. Our officers are passed over for critical funding to assist them in combatting and responding to crime and terrorism. Crime is on the rise and we need the resources to fight back now. I know the Committee understands the history of the COPS program and the Byrne/JAG program, however, I would like to take this opportunity to briefly explain their significance to State and local law enforcement officers in the fight against crime.

Local law enforcement has more knowledge about crime in their jurisdictions than our Federal counterparts, making us an essential part of the national strategy to combat crime. It is not a coincidence that community policing was at its best and national crime rates were at their lowest when Federal support for the programs

such as COPS and the Byrne/JAG program and local law enforcement block grants was at its peak.

It is also no coincidence that the steep reduction in Federal support for these programs has been followed by an increase in violent crime rates nationwide. In fact, a December 2001 study by researchers at the University of Nebraska at Omaha found that the COPS program is directly linked to the historic dropping of U.S. crime rates in the 1990s.

The "More Cops Equals Less Crime" statistical analysis produced by yourself, Senator Biden, together with Congressman Anthony Weiner, provides further evidence to the link between the COPS grants and the decrease in crime from 1995 to 2000.

According to the "More Cops, Less Crime" evaluation, the effects of the COPS grants from fiscal year 1994 to fiscal year 1999 on violent crimes, during that 1995 to 2000 period, were substantial. During that time, approximately $2 billion was provided nationally in hiring grants, and over $3.6 billion was provided in innovative grants to cities with populations over 10,000. Nationwide, police departments in these cities reported that violent crimes were decreased by well over 150,000 incidents between 1995 and 2000.

As the New Jersey State PBA includes over 350 Locals across the State, representing municipal, county, State, and Federal law enforcement officers, we are in a unique position in regards to the needs of law enforcement in the community.

The Uniform Crime Report maintained by the New Jersey Attorney General over the same period, 1995 to 2000, showed dramatic drops in every category of crime. It is not a coincidence that this occurred roughly at the same period New Jersey was granted over $293 million in COPS funding, and 4,563 officers hit the street.

The current administration has been vocal in its dismissal of these important programs. It has repeatedly proposed steep cuts to COPS and Byrne/JAG programs, with the COPS hiring initiative receiving the brunt of the cuts. Since 2000, funding for the Byrne grants have been cut by more than 83 percent, from $1 billion to $170 million in fiscal year 2008.

COPS programs have been cut by more than 43 percent, from more than $1 billion to $607 million. This fiscal year 2008 level includes $20 million for COPS hiring initiatives, which has been zeroed out in previous fiscal years. Twenty million will allow for the funding of approximately 500 officers nationwide. While better than no funding, this is not enough to make a real impact.

Through my work as a NAPO board member, I know that the loss of needed Federal support through the Byrne/JAG program not only adversely affects law enforcement in New Jersey, but also officers and agencies from around the country. These cuts will result in closing many drug and gang task forces in California, Nevada, Texas, and throughout the midwest at a time when these forces are making tremendous strides in the fight against methamphetamine.

States and municipalities will have to lay off law enforcement officers, as they are currently doing in New Jersey, because of tightened budgets and due to lack of Byrne/JAG money. Additionally, cold case units, identity theft investigations, school violence prevention programs, and victim and witness protection services are all feeling the strains of these cuts.

NAPO and the New Jersey State PBA are truly concerned about the steep decline in funding for vital State and local law enforcement assistance programs that have occurred since fiscal year 2002, particularly in light of additional duties taken on of law enforcement post-9/11.

Today, local police departments, already understaffed due to lack of resources to hire new officers, must place officers into drug, gang, and terrorism task forces, as well as protect critical infrastructure during periods of heightened national threat advisory levels, often at the expense of street patrols.

Additionally, many cities and municipalities, because of tight budget constraints, are forcing officers to take on counterterrorism duties on top of their community policing duties and to their responsibilities while patrolling the streets.

For example, the Los Angeles Police Protective League, another NAPO member organization, has reported that the Los Angeles Police Department is mandated to redeploy officers to protect infrastructure, staff terrorism task force, and take on counterterrorism duties, and patrol units suffer. The Los Angeles Police Protective League attributes the rise in gang-related homicides that city has seen to the lack of resources the police department has to cover the holes in community policing and gang deterrents caused by the new terrorism duties.

According to the FBI, in the semi-annual Uniform Crime Report which was released in December of last year, there was a steep increase in violent crime the first half of 2006. These results followed the 2005 Uniform Crime Report, which up to this point has marked 2005 as the highest rise in crime rate in 15 years. State and local law enforcement agencies are struggling to meet the needs of their communities, and due to increased duties, have diminished Federal assistance and support.

With police departments in this Nation's cities and municipalities under-staffed and over-worked, the national crime rate is at the highest level in 15 years. How can Congress and this administration justify cutting or eliminating grants under the COPS program and the Byrne/JAG program?

Over the past 15 years, local law enforcement officers and the agencies they serve have made tremendous strides in reducing levels of crime and violence in our communities. This success was largely part of the much-needed assistance and support provided to them by the Federal Government. The severe cut in funding suffered by the COPS and Byrne/JAG programs is already beginning to dismantle the progress law enforcement has made in the fight against crime.

The correlation between the substantial decreases in Federal funding for the Justice Assistance Programs and the sharp rise in crime over the past several years can no longer be ignored. It is the tools provided to the State and local law enforcement by these programs that have improved information sharing, cooperation between departments and agencies, equipment and training, which in turn has led to more effective law enforcement and safer communities. I want to once again thank you, Senator Biden, for the opportunity of being here today, and I ask that my printed testimony be made part of the record.

Chairman BIDEN. Thank you very much. It will be. Each of your formal statements will be made a part of the record.

[The prepared statement of Mr. Wieners appears as a submission for the record.]

Chairman BIDEN. Gentlemen, we have got an opportunity here to have a conversation, so I don't want this to be formalized, since there aren't any of my colleagues here.

Let me start off by saying three things, and maybe we can speak to some of what I raise based upon your experience. I have a different starting point, and I have for 30 years. The reason I wrote the crime bill in 1995—and I might add, as you remember, Commissioner, you guys helped me write the crime bill, although I was criticized for bringing in a bunch of social workers to write the crime bill. They're good people. My daughter is a social worker, used to work in your city. The truth was, it was cops that sat around my table for months. Scott Green was the guy who helped put this all together for me. So it wasn't a bunch of people who were naive about crime. These were hard-nosed cops.

They said to me back then, there were three things that were critically important: 1) you needed more. Simple, more. I mean, I notice there are certain things—all these years I've held hearings, I mention one about cops not on the corner where the crime will be committed.

I also notice violent crime drops the older you get because it's harder to run down the road and jump that chain-link fence while you're being chased, you know. I mean, so certain things impact on crime. We try to make this very, very sort of esoteric, kind of like what I do these days, foreign policy. We try to make it sound like we're really important because they're complicated subjects. Some of this is pretty basic stuff.

Let me start off by saying that the premise I start from, if crime does not go down every year, we're failing. Let me start off and say that again. My measure of success, what I think my job is, is to provide law enforcement organizations, federally and nationally, enough resources so that they can continue to reduce crime every year. Every year. Every year. If it goes up 1 year, we failed. We failed to give you the resources.

So I want to set it straight for anybody who is listening here. For me, what I'm going to be focusing on again now that I have the opportunity, is to deal with constantly reducing the number of Americans who are victimized by crime. Technically, ideally, we only succeed when there's no crime committed. Now, we can't do that, but that's the objective. So I have a fundamental disagreement with the administration on the notion of when it warrants stopping spending on fighting crime or drastically reducing Federal spending.

The second point that I will make, is this notion that there's not a Federal responsibility. Aramingo Avenue, where you have to spend a lot of your resources dealing with the drug problem, those drugs being sold there, they weren't grown in south Philly. They weren't grown in the northeast. They weren't grown in north Philly. They didn't come out of Wilmington or Camden, New Jersey. That's not where they were grown. You can't do a thing about that.

What are you going to do about the drug cartel in Colombia? What are you going to do about 94 percent of the world's heroin coming from the place I just landed in accidentally in, in the mountains of Afghanistan? So I don't understand why this is called a local problem. It's not just drugs. A chief can't affect anything that happens. A lot of the folks are coming down from Aramingo Avenue into Dover. He can't do anything about that. So the second point I want to make is, I do think there is a significant Federal role, a legitimate Federal role under the Constitution.

The third point I want to make to you, in the context of asking the few questions I have for you, is that we know it works. It's not like we haven't figured it out. It's not like we have to go out and reinvent the wheel. What do we do? What you guys and women told me in writing in that 1994 Biden crime bill was simple. That was that there's a direct correlation, as you mentioned, again, Commissioner, between having someone walking a beat on the street knowing the neighborhood and driving down crime.

Why? The woman is going to come out and tell you who the dealer is in the corner if she knows they're not going to come back, if she knows the cop she's dealing with, if she has some relationship with the Philadelphia Police Department. You do that in Dover, Chief. They know you have a particular officer who's in a particular neighborhood. Newcastle County police do that as well. But it's getting harder. It requires more intensive use of manpower.

I remember asking you guys back in 1988 when I started to write this bill why you don't do more community policing, why you've got guys riding through with a single person in a cruiser through a though neighborhood. They say, hey, it takes more resources. So the public has to understand, if you want to drive down crime, community policing being a big part of that, you need more resources, not fewer resources. So those three propositions are the place from which I reintroduced this omnibus crime bill, again.

So the first thing I want to ask you, and this is kind of in a sense a set-up question. I think I know your answer. Do you disagree with any of those propositions, that success in your department—you feel success when you're driving down crime, not when it's staying static or when it's going up? Is that a fair statement?

Chief HORVATH. Yes, sir, that is a fair statement.

Chairman BIDEN. And I know it's not within your power all the time. It's not your fault when crime goes up.

The second thing is that the idea that if in fact it is, there is a Federal responsibility here. You don't have the capacity to figure out what comes across the river in New Jersey, do you?

Commissioner RAMSEY. No, sir. I mean, crime is everybody's responsibility, including the Federal Government. In listening to the testimony from the previous panel, I almost had to chuckle a little bit, the way in which they were interpreting crime stats and so forth. I think you're right on target on your first point. The key to fighting crime is being absolutely relentless at going after the people that will cause harm in our communities. You don't let up.

If crime is going down, then you put more resources to get it down even further. You don't wait until you start to see that uptick, then you're right back where we were in the late 1980's and early 1990's, where crime was off the hook and we had to take ex-

traordinary measures in order to bring it back under control. Now is the time to continue to drive it down, and that's exactly what's not happening in terms of the way in which this is being funded.

Mr. WIENERS. I think New Jersey is unique in itself, being in the footprint, if you will, or the shadow of the World Trade Center and the tragedy that happened there. We have probably the largest port on the East Coast. Our officers have been taking on a lot of the responsibilities that should be Federal Government, and in turn not paying attention or, because of resources, not putting their time into the communities and the areas which we serve.

Chairman BIDEN. When the Federal Government goes to Code Orange you end up at the Tacony-Palmyra Bridge, or you end up at the Walt Whitman Bridge, or you end up looking at what's going at Dover Air Force Base, you end up deciding what's going on in the Lincoln Tunnel, coming through into New Jersey, do you get paid by the Federal Government for that? Do they pay you overtime, your cops that you deploy, your police officers?

Mr. WIENERS. I don't believe so. No, I don't believe so.

Chairman BIDEN. How about you, Commissioner? Do you get—

Commissioner RAMSEY. I don't know about Philadelphia, but in Washington we could apply. If it went to Code Orange, we could apply for the overtime funds that were expended during that period of time and we tracked our costs independently. I would assume that's the case in Philly as well.

Chairman BIDEN. Now, let me ask you about—can you tell me—you may not know for certain, but what's your explanation, Commissioner, as to why the crime rate, the murder rate, in Philadelphia is up so much? I commute every day. I get nothing but Philadelphia television, and I complain about that. But everything that Philadelphia hears, we hear in Delaware. We don't have a private television station. I don't think there's a night that goes by that you're not in the street trying to figure out how you deal with a murder that's occurred. I know the mayor is absolutely committed to doing something about it. But what's your explanation as to why the murder rate is up in Philly so significantly?

Commissioner RAMSEY. Well, we've had 47 murders so far this year and it's only February 27th. Now, that's actually down from last year. Last year at this time we had 60. It's a very violent city in pockets. We have a lot of people that have no regard at all for human life. The availability of handguns is not helping the situation.

What we're finding is more and more people are getting killed over very trivial matters. We had a young man, 16-year-old boy on his birthday, killed because he hit someone with a snowball. The person got angry, got a gun, and shot and killed him. I mean, just senseless crime that's taking place. So to think that violent crime somehow is better, the streets are very violent. I had six officers shot last year, one killed, breaking up a robbery. That's what's going on, the reality of what's going on in the streets of our city. That's not reflected in numbers.

It's far too much violence taking place on our streets, so whether the numbers happen to be up today or down today, there's still far too much crime and violence in our cities, Philadelphia being one of them. I'm joined here today by the chief from Montgomery Coun-

ty, Maryland. Tom Manger is in the audience, and Gil Krowakowski, the chief in Seattle, Washington. We've had conversations about this, all the major city chiefs.

We're very concerned about what we see is an emerging trend that is going to put us all in a very, very difficult situation, if not this year, certainly next year. We know what we're looking at. We have all done this for a considerable period of time. I'm in my 39th year. I know what I'm looking at. You can interpret numbers any way you want: the streets are getting more and more dangerous. Now is not the time to stop funding, to reduce funding. Now is the time to put more resources into policing, not less.

Chairman BIDEN. Now, you represent the fifth largest city in America, you represent one of the smaller cities in America in terms of—your total population in Dover, roughly?

Chief HORVATH. Residents, about 35,000.

Chairman BIDEN. Thirty-five thousand. Is the murder rate up in Dover or down?

Chief HORVATH. No. We average about two homicides a year. But as I said in my statement, violent crime is rising. It's gone up 35 percent in the last 2 years.

Chairman BIDEN. To what do you attribute that?

Chief HORVATH. Senator, I don't know. It's some of what the Commissioner said. It's a different attitude, a disregard for—I can't say life, because I don't have the homicides that Philly has, but it's a disregard for the law and a disregard for doing the right thing. That's causing our violence. Almost all of our problems, as I testified to, are drug-related, in my opinion, either indirectly or directly, whether it's a turf war, this is my corner, not yours, or just a disagreement on funds, illegal funds from drug transactions, or whatever it may be.

Chairman BIDEN. Mr. Wieners, you represent the whole State of New Jersey here. I'm pretty familiar with Camden. I'm pretty familiar with Atlantic City. South Jersey, I have some genuine familiarity with. Camden is a pretty rough place these days, has been for a while. When you guys—I'm just trying to get a sense. I'm not looking for a criminologist response. I'm looking for, when you sit down with your colleagues, what do you talk about? I mean, what do you attribute this apparent attitudinal change, the actual—because there's a sense—every cop I talk with, even in communities that—look, because I've been so aligned with you guys for so long, literally there's not an airport where I got off a plane, no matter where I am, that if your guys—and I don't tell them I'm coming. I'm not one of these guys that calls anybody.

Ask the guys in Delaware. I never ask for an escort, I never ask for a ride, I never ask for—but because I've been so associated with you for so long and I know so many of you, no matter what city I land in, there's somebody in the police department, whether it's the airport police or whether it's the local city policy or State police, that come up and say something to me and ask if I need any assistance. I always ask them, what's going on?

I haven't found anybody yet who doesn't think that they just have the feel things are going downhill, not uphill, even in cities where the crime rate isn't going up statistically. I'm not making this up. I'm not making this up. I realize it is not evidence. But

I'm wondering, and I know this sounds strange in a committee hearing to ask you, when you sit with your colleagues in New Jersey, what do you talk about?

Mr. WIENERS. I think the number-one problem that we discuss, and it's not a local level, it's a national level, is gangs. Along with that, you have the drug trade and you have no value for human life. Our officers are out there dealing with it. Last year, the UCR, Uniform Crime Reports, statistics have 57 of my officers in New Jersey who were assaulted with a firearm. There's too many firearms out on the street. The gangs are out of control. Along with the gangs goes the narcotics trade. There's no value for human life.

Chairman BIDEN. Again, Commissioner, it's hard for you to answer this because you've only recently been in Philly. You may or may not have an answer. so I understand you may not. But if I were to ask your management corps wearing uniforms throughout the city whether or not they're getting more or less cooperation from the citizenry, people who aren't committing crimes, compared to 10 years ago, what would they say? What do you think they'd say?

Commissioner RAMSEY. Well, I can answer that question. It depends on the community that you're talking about. This whole "stop snitching" campaign has really taken root in many of our communities, unfortunately. I worked in homicide 20 some-odd years ago and if there was a murder in a community—not every community, but in most communities—finding witnesses was not all that difficult to do. Now it's very difficult. We have crimes committed in broad daylight with a street full of people, and nobody will come forward. So it's becoming more and more difficult depending on the area that you're in and the nature of the crime that's been committed.

Last question in this vein. Again, Mr. Wieners, you may be able to speak to this better than anybody because of the national board you're on. We had the actual statistics. I'd just like to talk about this for a minute. Has the trend been for police departments, large and small, in the last—since 2001, to move not out of, but away from, community policing as we all four know it, or increasing the commitment to community policing? What's the trend been?

Mr. WIENERS. Well, I could talk from New Jersey and surrounding States. Moving away from community policing because resources are needed elsewhere, especially in New Jersey with the counterterrorism and protecting infrastructure. We need help.

Chairman BIDEN. How would you characterize it, Commissioner?

Commissioner RAMSEY. I think that the concept has morphed into something that is a bit different today. I wouldn't say that we've moved away from it. Intelligence-led policing, using more technology to be able to pinpoint where it's occurring, when it's occurring, and deploying our resources accordingly, but partnerships and collaboration is still a big part of what we do in Philadelphia and it's a big part of what we did in the District of Columbia. Those are fundamental to community policing. We've stopped calling it that, pretty much. It's just pretty much the way we deliver police services. But the concept itself, and many aspects of it, is pretty much intact.

Chairman BIDEN. Chief, what would you say, talking about Delaware, and Dover in particular?

Chief HORVATH. Talking about, for Dover, we still have a core community policing unit which goes out into the community and tries to make the contacts and get known by the residents. However, I agree with the Commissioner, too. You try to do that type of policing with even the patrol officer. There's nothing more valuable to any police department in this country than a patrol-level police officer in a car. So the trend, I think, for a lot of departments is maybe not to have a community policing unit, but to have a community policing patrol officer, if that makes any sense.

Chairman BIDEN. Commissioner?

Commissioner RAMSEY. And I would just add one thing. The real challenge, sir, is with a lack of resources, to have the kind of continuity of assignment in neighborhoods that you would like to have. Our officers are starting to revert back to running from call to call and not really having an opportunity to put to use many of the things they've learned and the things that they know work as it relates to community officers. You know, having an officer on foot patrol, it's a great idea, but when you've got a backlog of calls you've got to put them in a car so they can start to reduce that backlog. So the challenge is really having the resources to implement it properly, but we are all still believers. At least, most are still believers.

Chairman BIDEN. The reason I raise it—I'm glad you said that. I was going to come to that point. That's my observation. I know one of the Attorneys General in our State. He's trying to implement community prosecution teams and he's having some difficulty doing that, again, relating to resources, not so much the resources that he may be able to get, which is difficult, but to have a corresponding officer who would be part of that.

Initially, back in the 1990s when the crime bill—by the way, let's put this in perspective. We have reduced the amount of assistance to local law enforcement by over $2 billion since 2002. No matter how you cut it, no matter how you slice it, no matter what you do, there's $2 billion less going from the Federal Government directly to local law enforcement. I mean, that's just a fact. So it gets harder, because the thing I wanted to hear you say, Commissioner, is that when you've got a guy, you've got a reduced number of people and you've got calls coming in from all over the territory he or she is covering, the idea, she's still stopping in Johnny's Sandwich Shop, showing up at the local community meeting that evening and doing all the rest, it just gets very, very difficult. One of the biggest disappointments I had, one of the proudest achievements—achievements—one of the things I sponsored I'm most proud of was the school resource officers. What people didn't get, was I wasn't looking for a cop with a gun to shoot bad guys who would come in with a gun. That's pretty hard stuff to do.

But what it was, I found, is whether it was in Dover, or in Wilmington, or whether it was in Hatboro in New Jersey, or whether it was in Payoli in Pennsylvania, if there's something bad going down behind school the next day, or if a kid brings in a weapon and puts it in his locker, kids need excuses to tell the truth. They need excuses to step up. If, every day, they walk by the same State

trooper, the same resource officer and they got to know him and trust him, what we've found is they'd walk by and say, John, locker 27, Harry brought in a gun, and walked on, knowing he wouldn't be given away, but knowing he'd be safer.

That's the part that I think people don't understand. As you reduce resources, you reduce that connection, whether it's a kid talking to a cop in a school hallway or a neighbor talking to a cop who has repeatedly been assigned to that neighborhood or that area town. At any rate, I know you know—you've forgotten more about this than I'm going to know, but I think it's important for the record that people understand the connection.

Let me ask you one other point about prevention here. Chief, you had a good guy who became a friend of mine, a very, very conservative predecessor, politically conservative in every way, who I met in 1992 when I was drafting the crime bill. I think Scott and I went down to see him in Dover. I expected to get push-back about, you know, we should just hang them higher and shoot them on sight kind of thing. I'm joking. 'I said, what most can I do for you, Chief? And he went to a card catalogue, Commissioner, like 3 x 5 cards, like the old library thing, and he pulled out of the Dover Police Department file this catalogue of cards. He said, Senator, I just want to know what I've been following. He didn't use a computer printout, he had cards. He said, the difference between crime among those between the ages of 13, and I think he said 21, in East Dover and West Dover is significant. The only thing I attribute it to, Senator, is one side of Dover has a Boys & Girls Club, the other doesn't. He said, you want to do something for me? Don't give me a two more cops, give me a Boys & Girls Club. That's one of the most conservative—you guys know who I mean. The most conservative police officers I knew.

It brings me to this point. You're going to be competing against Philadelphia for your request for drug courts money. You're going to be competing against Philadelphia for Boys & Girls Club money. You're going to be competing against Philadelphia's request to train and equip your officers.

I realize people think this is parochial, but obviously the problems in Philadelphia are bigger, considerably bigger. But the problems in Delaware are real. I want both of you at either end—you represent two great cities, one very small, the capital, in relative terms, and one very major, major city.

Does it make sense—I know I'm asking you to speak against interest here. But does it make sense to think about this in only focusing on, if we could, where 50 percent of the crime is committed and not focus on where the remaining 50 percent is committed? We can narrow it down. I think it was said, what, 14 cities? Fourteen jurisdictions, 16 jurisdictions, 50 percent of the crime is committed. Philosophically, how does that work? I mean, is that a sound way to go about dealing with violent crime in America? Commissioner?

Commissioner RAMSEY. Well, Philly is probably one of the 16. I would still argue that that's not a sound way of going about it. I mean, it's all relative. The problems I have in Philadelphia are real for me. The problems in Dover are real for the chief. I mean, I think that everyone needs to be able to justify what they're doing, why they're doing it, and so forth.

But I think to say only 16 cities, that doesn't mean that there's an absence of crime in all these other places. The point you made about prevention, the best crime-fighting tool is stopping it from occurring to begin with. So, you know, we do have to take a look at those programs that stop crime from occurring to begin with and not just focus on more cops. You do have to take an approach that's more holistic in nature that really takes into consideration all these other factors.

Chief HORVATH. Senator, we spoke about this earlier at lunch. The idea of Dover Police Department competing against the Philadelphia Police Department, or the city of Dover for Boys & Girls Clubs, or Weed and Seed, or any other type of money competing against Philadelphia is crazy. It's intimidating. I know that he is going to be able to justify the need so much easier on paper than I can, so I feel like my chances of competing against him and winning are crazy.

He is charged with protecting the citizens of Philadelphia, and I am charged with protecting the people of Dover. I think my job is just as important as his. Maybe not as big of a scale, maybe not as difficult, but it is just as important. I think we need to be concerned with the quality of life for everybody, not just for the people in the 16 cities that caused the violent crime rate to rise throughout the country. If you get robbed at gunpoint or beat up at an ATM machine in Dover, that's just as serious as in Philadelphia. So I don't like the idea, the philosophy of, let's give him the money because he has a bigger problem. My problem is just as big. He basically said that in his statement, too.

Chairman BIDEN. Well, again, the reason I raise this is, right now we are all justifiably focusing on, and the press is focusing on, earmarks and how they've ballooned in the appropriations process and how there are tens of billions of dollars and so on, and we should be concerned about it, and we are.

In Delaware, we only have three Federal representatives. We haven't asked for any Lawrence Welk museums. We haven't asked for any money for anything that we can't totally justify on the merits. But unless, in the 38 States that are relatively small, unless you're able to compete, the idea that we're going to get money—there's only going to be money—I'm making this up—to build 10 significant bridges in America this year, guess what, if you do it simply based on population, 38 States will never get a bridge. They will never get a bridge.

Now, if you have enough money to build all the bridges that are needed, there's no problem. If you have enough money to provide all the funding you need in the Nation to fight crime, no problem. You should get less money than Philadelphia gets. Wilmington should get more money than you get. New York should get more money than Philadelphia gets. But that's not the reality. The reality is, we woefully under-fund our basic infrastructure and we woefully under-fund the fight against crime. So I just think that the reason why there are formulas for distribution is that it's a little like highways. If you didn't have a formula for distribution of highways, all the highway money would go to five States. The rest of us would be riding on dirt roads.

So I just want to make it clear. I'm sure that what will happen, is I'm going to get—there will be notice of the fact that Delaware gets, on a percentage basis, more than its fair share of this money. But the question is on these earmarks, in my view, is the money that it's gotten not justified in its own right? Not relative to something else, but justified relative to the particular thing for which you're spending the money? As you know, Chief—you don't known as well, but I think all your predecessors will tell you, I have been very, very cognizant of Philadelphia's needs over the years. Again, it's my neighborhood. It's my neighborhood. It's our neighborhood. Your success in Philadelphia affects our success in Delaware. I've been very cognizant of the needs of New Jersey, not being parochial, that's just a fact. There's 10 million people in the Delaware Valley. There are porous State lines, as they should be.

So I just want to make it clear to you, I promise you I will fight to see to it you get the money you need, but I do not believe that when you fight for specific proposals, that if on their own they merit—they merit support, that's an earmark as dealing with crime. I might add, methamphetamine, which is a giant problem for all of us, most of it is rural communities. Not as many meth labs in south Philly as there are in Coeurdalene, Idaho. But if you base it on population, you would not think that. That's not to suggest, Commissioner, I'm not going to fight to make sure Philadelphia gets what it needs. I will. I might point out—and I realize we're going a little over. I had hoped to end by 4 and it's now seven after—is that Senator Specter and I are the co-sponsor of the bill you referenced.

One of the things we can help you most with is to make sure, as the over 600,000 people we let out of State and local prisons this year, they have more than a bus ticket to get under a bridge. The rate of recidivism is overwhelming when people, when they get out of prison, they don't have any job opportunity, they don't have any training possibility, they don't have any drug rehab to go into. A significant portion of people released out of every prison, State and local, in America is addicted to drugs as they walk out the door, and it's your problem.

That's why we're fighting so hard for this Second Chance Act, to actually invest $175 million into providing for transitioning these folks from prison, after serving in the Federal system, anyway, pretty set terms so that you don't have the total responsibility of dealing with it. So I thank you all for your support. I am going to be a bit of a broken record with you all. I've got to stop using that phrase. My 12-year-old granddaughter at the time followed me to a speech, accompanied me.

Actually, I was down in Dover speaking and she was the only one that would drive to Dover with me to hear Pop speak. I don't blame her. I blame everyone else. Coming back, she looked at me like all granddaughters. You know, granddaughters think grandfathers are special. Fathers are a different deal. But at any rate, she looked and me and she said, "Pop, that was a good speech." I said, "Thank you, honey." She said, "Can I ask you a question?" I said, "Sure." She said, "What's a record?"

[Laughter.]

She's very smart kid. She thought a record was some Olympic record or a sports record. She didn't think it was a piece of plastic that used to spin around.

But at any rate, I realize I do sound like a broken record. But I'm going to come back to all of you again and again. I am determined—determined—to pass this comprehensive crime bill we have reintroduced, including authorizers of $1.15 billion per year for the next 6 years for COPS, $600 million for hiring 50,000 new cops, $350 per year for new technology and equipment along the lines you were referencing, Commissioner, and $200 million to train community prosecutors. That's not because my son was the Attorney General. I've been pushing that for 12 years.

We also have COPS Benefits, we call it, based on the Brookings's studies. COPS reauthorization results in savings, considerable savings, a safe society—the COPS bill, between $15 and $30 billion on costs not having to be paid as a consequence of crime.

I add 1,000 FBI agents to focus on crime because of the point you all have made about the shift. I also restore 500 DEA agents. Again, used to work much more closely with you. They had more personnel. So I hope I can look forward to being able to talk with you all about how we pushed that through. I am convinced—I am convinced. I may be kidding myself, but they said the same thing when I initially introduced the Biden crime bill now 15 years ago, that people would never buy it—my colleagues, Democrat and Republican, see the need for this.

But again, the only reason it passed before is because men and women in uniform showed up in Senators' offices and said this is important to us, not intimidating, just telling them because you're still the most believable group out there. So, I look forward to working with you all. I don't think we're going to have any problem restoring the Byrne grants.

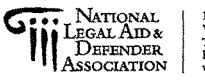
I also think, by the way, that we have not focused—and I'm not going to take the time to do it now, on another cut on a program that I spent a lot of time in my career working on. I'm trying to find the statistic here. But we found that this administration is also cutting the Regional Information Sharing System, the RISS program, which I assume you think is fairly important.

Hopefully we can include that in restoration moneys quickly. But the longer fight is going to be providing for the kind of commitment we had before from the Federal Government in terms of shields, technology, and support. So if any of you have a closing statement, I'd invite it. If not, we will stand adjourned. I thank you for what you do for the country, and for your cities.

[Whereupon, at 4:10 p.m. the hearing was adjourned.]

[Submissions for the record follow.]

SUBMISSIONS FOR THE RECORD



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February 26, 2008

BY E-MAIL: Erek_Barron@Judiciary-dem.senate.gov
The Honorable Joseph R. Biden, Jr.
201 Russell Senate Office Building
Washington, DC 20510

Re: Byrne/Justice Assistance Grant Funding

Dear Senator Biden:

The members of the American Council of Chief Defenders (ACCD) are public defense leaders from across the country who represent state, county, and municipal defender organizations. ACCD is gravely concerned about the impact of a reduction in Byrne-JAG funding on many worthy programs that benefit our clients and improve the quality of justice for all citizens. We also object to the current tie between continued availability of Byrne-JAG funds and the states' implementation of recent federal legislation on sex offender registries.

Public defender organizations are eligible for Byrne-JAG funds and the minority of offices that receive them have benefited greatly. In addition, restorative justice programs such as Drug Courts, Mental Health Courts, and Youthful Offender Courts depend on Byrne-JAG funding. These programs often provide the courts, prosecutors, defenders, and treatment professionals with a new paradigm for working together towards a shared goal of reducing recidivism. It would be a great loss if they were to disappear for lack of funding.

Ironically, the recently enacted Sex Offender Registration and Notification Act (SORNA, Title I of the Adam Walsh Child Protection Act) uses a 10% reduction in Byrne-JAG funds as leverage to require compliance with its severely punitive registration requirements. ACCD opposes SORNA, as many features of that legislation wrongly sentence children to the lifetime shame and punishment of sex offender registration no matter the circumstances of their offense or what they do with their lives thereafter. The juxtaposition of these two statutes highlights the need for Congress to revisit the connection between them. While Congress encourages states' autonomy and creativity through Byrne-JAG, it undermines these very same qualities through SORNA's heavy handedness and requirement for uniformity.

ACCD urges Congress to restore Byrne-JAG funding and to de-couple the funding from SORNA's registration requirements. Byrne-JAG funded programs are opportunities for everyone in the criminal and juvenile justice system to work for common goals. These should be expanded, encouraged and increased, not cut back.

Respectfully submitted,

Fern Laethem, Chair

41527.001

The Honorable Joseph R. Biden, Jr.
United States Senator , Delaware

"At the inaugural hearing of this Subcommittee, a panel of law enforcement experts testified that federal funding for State and local law enforcement makes our streets safer, drives down crime rates, and secures our communities against terrorism. At that hearing, I outlined three developments that had me greatly concerned.

"First, I was concerned that the Administration would continue to cut funding for essential state and local law enforcement programs like the COPS and Byrne/JAG programs. Second, I was concerned that the FBI would not replace agents "redeployed" from investigating crime to fighting terrorism, creating an enormous "gap" that state and local cops would have to fill. And third, I was concerned that an economic downturn would squeeze localities and force them to cut their law enforcement and prevention budgets.

"Unfortunately, all three of these concerns have borne out. Since he took office, the President has cut annual funding for the COPS and Byrne Justice Assistance Grant programs by $1.7 billion. The President's 2009 budget proposes to eliminate these programs entirely. The FBI agents reassigned away from fighting crime have not been replaced. One investigative report last year stated that the number of criminal cases investigated by the FBI has dropped by 34 percent. I'm not being critical of committing agents to counterterrorism. But in our effort to protect Americans from terrorism, we cannot leave them vulnerable to violent crime. We have to do both, and that takes a commitment of resources that has frankly been lacking in recent years.

"And the economy has slowed down. The Washington Post reported this week that next year 20 states expect their budgets to be in the red. As state governments are forced to tighten their belts and cut back on critical law enforcement funding, federal assistance will become even more important.

"I learned a long time ago from cops like those we'll hear from today that fighting crime takes constant attention and a steady commitment. Many of you have heard me say before that fighting crime is like cutting the grass. If you keep it mowed, it looks great. If you leave it for a week, it gets shaggy. If you leave it for a month, it's out of control and you've got a problem on your hands. We've neglected state and local law enforcement for too long and we've got a problem on our hands.

"A recent poll published by the non-partisan Third Way indicates that 94 percent of Americans view crime as a "very serious" or "fairly serious" problem. Moreover, 69 percent of Americans feel that violent crime is a bigger threat to them than the possibility of a terrorist attack. The concerns of these Americans are serious and real. Last year, 1.4 million Americans were victims of violent crime, more than 445,000 were robbed, and more than 17,000 were murdered. These numbers are simply too high. We need to renew our commitment and return to what works.

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"We know the COPS program works. Last spring the Brookings Institution published a study showing that the COPS program contributed to the drop in crime during the 1990s and is one of the most cost-effective options for fighting crime. Specifically, the study found that for every $1.4 billion invested in the COPS program, society realizes a benefit of $6 billion to $12 billion.

"And we know the programs funded by Byrne Justice Assistance Grants work. The police officers and sheriffs walking the beat tell me that these programs are vital to their ability to protect America from crime and terrorism. Productive, law-abiding citizens who participated in Boys & Girls Clubs and other prevention programs that Byrne/JAG funds tell me that they could not have done it without these programs. And, citizens who have overcome the debilitating disease of drug addiction and lead healthy, meaningful lives tell me that drug courts and treatment programs funded by Byrne/JAG literally saved their lives.

"We know what the solution is. We know how to make America's communities safer. We just need to make the commitment to restore funding to these tried and true programs. I intend to see that we do just that."

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41527.003

Department of Justice

STATEMENT OF

MARK EPLEY
SENIOR COUNSEL TO THE DEPUTY ATTORNEY GENERAL
UNITED STATES DEPARTMENT OF JUSTICE

BEFORE THE

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE ON CRIME AND DRUGS

HEARING TITLED

"SUPPORTING THE FRONT LINE IN THE FIGHT AGAINST CRIME: RESTORING FEDERAL FUNDING FOR STATE AND LOCAL LAW ENFORCEMENT"

PRESENTED

February 27, 2008

Mr. Chairman, Ranking Member Graham, 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 how the federal government can best assist our state and local partners to prevent and control violent crime.

According to the FBI's Preliminary Semiannual Uniform Crime Report (UCR), released on January 7, 2008, the Nation experienced a 1.8 percent decrease in violent crime and a 2.6 percent decrease in property crime during the first six months of 2007, compared to the same period in 2006. According to the UCR, each of the violent crime offense categories (murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault) decreased nationwide in the first six months of 2007: murder decreased 1.1 percent, forcible rape declined 6.1 percent, robbery decreased 1.2 percent, and aggravated assault decreased 1.7 percent. These drops in violent crime are due in large part to the hard work of law enforcement across the country.

These latest numbers are encouraging, although they are preliminary and subject to change when the final numbers are released later this year. The last two final Uniform Crime Reports, for 2005 and 2006, showed a slight increase in violent crime. In 2005, the violent crime rate increased approximately 1.3 percent, and between 2005 and 2006, the violent crime rate increased a little less than one percent. Despite these upticks, violent crime remains near historic low levels. Leaving aside 2004 and 2005, the last time the rate of violent crime was comparably low was in 1977. When we examine state and local law enforcement expenditures and hiring trends we see that these jurisdictions have invested, in ever increasing measure, in public safety; and these investments have yielded dividends. (See Table 1.)

That said, some communities continue to face violent crime challenges. Between 2004 and 2006 the total increase in the number of violent crimes (not the rate) was 59,906 violent crimes. What is remarkable is that just 16 cities accounted for half of that total increase. These were: Detroit, MI; Memphis, TN; Las Vegas, NV; Milwaukee, WI; Oakland, CA; Philadelphia, PA; Phoenix, AZ; St. Louis, MO; Minneapolis, MN; Washington, D.C.; Cleveland, OH; Rochester, NY; Arlington, TX; Sacramento, CA; Houston, TX; and Orlando, FL. About half of these continue to show an uptick in the 2007 Preliminary report. While the source of the violent crime challenges among these cities vary widely throughout the country, the Department is committed to assisting our state and local partners in combating violent crime wherever it exists.

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As I testified last spring, to better understand this situation, the Department of Justice visited and gathered additional information from 18 regionally distributed communities—both those observing increases in violent crime and a number seeing decreases. From these meetings, the Department sought to identify common themes for the crime trends in the specific communities. The themes included:

- Presence of loosely organized local gangs or street crews
- Increased incidence of illegal use and illegal acquisition of firearms
- Level of violence among youth

One consistent theme we heard was the importance of partnerships between federal and local entities. A specific example of this kind of partnership is Project Safe Neighborhoods, through which local law enforcement and prosecutors can refer gun crime cases to the federal system. Through PSN we have doubled the number of gun crime prosecutions over the last seven years compared to the preceding seven years. In terms of resources, the Department has invested almost $1.5 billion incarcerating these gun criminals.

Another form of partnership in action is law enforcement task force activity. Examples led by federal law enforcement include the FBI Safe Street's task forces operated in 182 sites, 30 ATF Violent Crime Impact Teams, and 90 U.S. Marshals Service fugitive apprehension task forces (6 regional fugitive task forces and 84 full time district task forces).

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

To meet this need the President's Fiscal Year (FY) 2009 budget requests $200 million for the Violent Crime Reduction Initiative. These funds 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.

In October 2007, the Department of Justice awarded $75 million to 106 local law enforcement agencies to support multi-jurisdictional violent crime task forces. This FY 2007 program is considered an initial demonstration of the approach proposed in the

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President's FY 2009 budget. These funds go directly to communities with demonstrated need and a sound plan for addressing their particular violent crime challenge.

Training will also continue to be an important component to help communities fight violent crime. Agencies throughout the Department have focused on resources designed to assist local law enforcement. Both OJP and the COPS Office provide training and technical assistance services with a focus on local solutions to common national problems. The focus of training is on current and emerging issues confronting law enforcement and the communities they serve. In addition, OVW provides training and technical assistance to law enforcement and prosecutors on responding to domestic violence, dating violence, sexual assault, and stalking.

In addition, the Department has proposed to consolidate certain grant programs in order to increase effectiveness. Consolidation of more than 70 grant programs 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.

Also part of the President's FY 2009 budget request is the Byrne Public Safety and Protection Program. This initiative 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 Neighborhoods 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.

Another priority of the Department that fits into fighting violent crime is the prevention, investigation, and prosecution of terrorist activities against U.S. citizens and interests. The Department plans to support these efforts through the Regional Information Sharing System (RISS). This year the President has requested $34.2 million in total

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funding for this important initiative. This funding will be used to provide increased intelligence and forensic services for state and local law enforcement. RISS is comprised of six regional intelligence centers operating in mutually exclusive geographic regions that include all 50 States, the District of Columbia, and U.S. Territories. These regional centers facilitate and encourage information sharing and communications to support member agencies' investigative and prosecution efforts by providing state-of-the-art investigative support and training, analytical services, specialized equipment, secure information sharing technology, and secure encrypted e-mail and communication capabilities to over 6,000 municipal, county, state, and federal law enforcement agencies nationwide. RISS' ATIX (Anti-terrorism Information Exchange) is designed to provide limited access to RISS.net to non-traditional groups of users in order to secure interagency communication, information sharing, and dissemination of threat information.

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. The challenge is to most effectively target resources to make the biggest difference in those communities.

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.

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Table 1. Law Enforcement Officers, Expenditures, and Violent Crime Rates, 1990-2005

Year	*Number of full-time officers/a*	*Population covered/b*	*Officers per 100,000 population*	*Government expenditures on police protection (2005 dollars, in 1000's)/c*	*Expenditures per capita (2004 dollars)/d*	*Violent crime rate per 100,000 population/e*
1990	523,262	233,212,000	224	55,359,386	222	729.6
1991	535,629	238,056,000	225	58,062,932	230	758.2
1992	544,309	241,519,000	225	60,116,375	234	757.7
1993	553,773	244,320,000	227	62,476,284	240	747.1
1994	561,543	244,517,000	230	63,588,559	242	713.6
1995	586,756	245,846,000	239	65,444,779	246	684.5
1996	595,170	248,724,000	239	69,633,495	258	636.6
1997	618,127	251,315,000	246	74,511,262	273	611.0
1998	641,208	259,549,000	247	77,361,403	280	567.6
1999	637,551	253,242,000	252	80,871,871	290	523.0
2000	654,601	264,813,489	247	81,917,347	290	506.5
2001	659,104	268,055,247	246	83,936,528	294	504.5
2002	665,555	271,240,537	245	89,616,694	311	494.4
2003	663,796	274,104,414	242	90,235,409	310	475.8
2004	675,734	278,433,063	243	93,069,177	317	463.2
2005	673,146	279,200,617	241	94,473,440	319	469.0
2006	683,396	283,238,660	241			473.5

/a FBI, *Crime in the United States*, 1990 (table 69); 1991-2005 (table 74)

/b FBI *Crime in the United States*, 1990(table 69); 1991-2005(table 74) -- see label

/c Bureau of Justice Statistics, *Justice Expenditures and Employment in the U S* , 1996-2005.

All data have been adjusted to 2005 dollars.

/d Population data from the U.S Census Bureau, based on estimated resident population on July 1

/e FBI, *Crime in the United States, 2005*, table 1.

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The Honorable Russ Feingold
United States Senator, Wisconsin

"Supporting the Front Line in the Fight Against Crime: Restoring Federal Funding for State and Local Law Enforcement"
Subcommittee on Crime and Drugs
Wednesday, February 27, 2008

Mr. Chairman, thank you for your leadership on this issue over the years, and thank you for chairing this very important hearing.

I, too, am deeply concerned about the current state of federal funding for grants that aid state and local law enforcement agencies. The fiscal year 2008 funding levels were far too low, and for fiscal year 2009, the President's budget proposal once again proposes to slash funding for these programs.

Congress, in partnership with states and local communities, has an obligation to help provide the tools, technology and training that our nation's law enforcement officers need to protect our communities. That is why I have consistently supported a number of federal grant programs, including the Byrne Justice Assistance Grant Program, which provides critical funding to help fight violent and drug-related crime, and the Community Oriented Policing Services (COPS) Program, which is instrumental in providing funding on a range of crime-fighting techniques. I have heard again and again how important these programs have been to Wisconsin law enforcement efforts.

But both of these important programs have suffered funding cuts in recent years, and the Byrne program was hit especially hard in fiscal year 2008. Unfortunately, this trend continues in the President's budget proposal for fiscal year 2009, in which he eliminates funding for both of these programs, replacing them with new, and woefully underfunded proposals. Congress has authorized spending for these programs at a combined total of more than $2 billion, but the President proposes that they be replaced with new, untested programs that add up to only $400 million – and under the President's proposal that money would also have to fund numerous other initiatives beyond the scope of the current Byrne and COPS programs.

Congress must reject the President's proposals, as it has before.

The Byrne Justice Assistance Grant Program is critical in the fight against violent and drug-related crime. This key program supports multi-jurisdictional drug task forces, drug courts, drug education and prevention programs, and many other efforts to reduce drug abuse and prosecute drug offenders. The money also goes toward domestic violence prosecutors, community prosecution programs, crime victim services, and community corrections programs. These programs have been very important to law enforcement efforts in Milwaukee and throughout Wisconsin, but Byrne funding has been subject to relentless cuts. Although Congress has authorized $1.095 billion annually for this program, the fiscal year 2008 appropriation for Byrne was just $170 million – a sliver of

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the authorized amount, and also a dramatic cut from the $520 million that Congress appropriated to Byrne grants in fiscal year 2007. In Wisconsin alone, that results in a $4.1 million reduction in federal funds to state and local law enforcement between fiscal year 2007 and fiscal year 2008. And according to the Wisconsin District Attorneys Association, it will result in the loss of funding for 21 prosecutors, at a time when there are already far too many prosecutorial positions in Wisconsin that are unfilled. This is simply unacceptable; our state and local law enforcement deserve and rightfully demand more support from the federal government in keeping our communities safe.

The COPS program provides funding to train new officers, to invest in crime-fighting technologies, and to fight methamphetamine abuse, among other things. It has fared better in fiscal year 2008 than Byrne, but more funding is still needed. Congress has authorized $1.05 billion annually for the various components of the COPS program, which support a range of law enforcement priorities. Despite the COPS Program's record of effectiveness, funding has steadily decreased under the current Administration. The COPS Program's fiscal year 2008 appropriation of $587 million is 37 percent less than its funding in FY 2003 and just over half of its authorized amount. Funding for state and local law enforcement grant programs has followed a dangerous downward trend, even as the needs of law enforcement officers, our first responders, grow.

I have been hearing for years now from Wisconsin law enforcement officials about the increase in violent crime in their communities. Indeed, according to the 2006 FBI Uniform Crime Report, violent crime in Wisconsin increased by a staggering 18.1 percent between 2005 and 2006. While the recently released preliminary FBI statistics for 2007 show some signs of improvement, they unfortunately also indicate that overall violent crime rates have continued to rise in both Milwaukee and Green Bay. And yet the federal government continues to turn its back and as a result, state and local agencies are being stretched to the breaking point.

Byrne and COPS grants are a critical part of the federal effort to help our state and local partners combat violent crime. I will continue to work with Senator Biden and others to secure adequate funding for both these critical grant programs. Congress must make this a priority.

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Statement of Chief Jeffrey Horvath
February 27, 2008

Chairman Biden, Senator Graham thank you for giving me the opportunity to speak here today. I consider this an honor and a privilege. I am the Chief of Police of the City of Dover Police Department. I currently serve on the Board of Directors of the Delaware Police Chiefs Council, I am the Vice Chairman of the Delaware Police Chiefs Foundation and I serve as Delaware's representative to the State Association of Chiefs of Police (SACOP), which is a division of the International Association of the Chiefs of Police (IACP). I'd like to think that I'm not just here representing the ninety one sworn men and women of the Dover Police Department but that I am also representing the Delaware Police Chiefs Council and the smaller departments of the state of Delaware.

Dover is the Capital of the State of Delaware and the Dover Police Department is the fourth largest police force in the state. Our jurisdiction consists of 29 square miles. I can state with absolute certainty that the use and sale of illegal drugs is the greatest challenge for the men and women of my department. A majority of our serious and violent crimes are directly or indirectly related to the use and sale of illegal drugs. In the 1990's there was a violent crime crisis across this country. This crisis also affected the City of Dover. In the 1990's the rise in violent crime peaked at 73% in Dover. The COPS program helped communities, like Dover, to put more police officers on our street and in our schools. Over the next few years we saw violent crime drop by 35% in Dover alone.

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Since I became the Chief of Police in March of 2001, I have been able to increase the authorized strength of the department from eighty one sworn officers to ninety one sworn men and women. Six of those officers were funded by the COPS program. Four officers were added to patrol our streets and neighborhoods and two were placed in our schools to work as School Resource Officers. There is no measure to properly show the value of these officers. Without a doubt the addition of these six officers has made the Dover Police Department a stronger force.

Violent crime is back on the rise. In the last two years alone violent crime has risen 30% in Dover. It is important that we get back to basics. There are departments in the State of Delaware and across the country that need more police officers on the streets equipped with the tools and resources needed to keep our communities safe. The best way to help us is to fully fund the COPS program.

Since September 11, 2001 the federal focus has been taken off of street crime and eliminated funding for COPS hiring. Much of the funding has been moved to the Department of Homeland Security. While I support the need for increased Homeland Security funding, I think it is vital that we don't forget our most important security function which is "hometown" security. As I, and many other chiefs before me, have stated "hometown security is homeland security". Local law enforcement has demonstrated this on numerous occasions.

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Law enforcement is being asked to do more with less. If we have fewer police on the streets to prevent crime and to protect our communities we will see a rise in crime across this country. That is inevitable. The COPS program used to be funded at over 1 billion dollars. It has been cut to $20 million in fiscal year 2008. The presidents proposed budget for fiscal year 2009 would completely eliminate the COPS program. As a police chief I consider this madness. COPS grants have funded 463 additional police officers and sheriff's deputes to engage in community policing activities, including crime prevention, in Delaware. Forty local and state law enforcement agencies in Delaware have directly benefited from funding made available through the COPS office. Nearly $1.6 million has been awarded to thirteen school resource officers to improve safety for students, teachers and administrators in primary and secondary schools throughout Delaware. Over $10 million has been awarded for crime fighting technologies which have allowed officers to spend more time on the streets of Delaware fighting and preventing crime through many time-saving technologies, information sharing systems and improved communications equipment.

The Byrne Justice Assistance Grants were previously funded at over $900 million before the current administration took over. For fiscal year 2008, this funding has been cut by 67% from $520 million to $170 million. The President's proposed budget for fiscal year 2009 eliminates the Byrne JAG funding completely. These proposed cuts jeopardize numerous programs in Delaware which could affect the quality of life of our citizens.

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In closing, federal grant funds have been extremely important to local law enforcement agencies in Delaware and across the country. My department has received over 1.2 million in federal grants over the past 10 years. These funds have greatly assisted the Dover Police Department in its mission to protect the citizens and visitors of Dover, Delaware. By properly funding the COPS Programs and the Edward Byrne Memorial Justice Assistance Grant Programs we will be able to better ensure the success of our law enforcement efforts in preventing and reducing crime.

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Statement of Senator Patrick Leahy
Chairman, Senate Judiciary Committee
Hearing on "Supporting the Front Line in the Fight Against Crime: Restoring Federal Funding for State and Local Law Enforcement"
Subcommittee on Crime and Drugs
February 27, 2008

For years, State and local law enforcement officers have been stretched thin. They have faced continuous cuts in federal funding under this administration, but have nonetheless been charged with new and increased counterterrorism responsibilities since September 11, 2001. Violent crime has been on the rise in recent years, especially in rural areas, yet time and time again, we are hearing that our State and local law enforcement officers are unable to fill department vacancies due to a lack of funding for critical positions.

Last week, the *Rutland Herald* reported that there is currently a 10 percent vacancy rate among State police officers nationwide. The Vermont State Police, like many in other states, face a real problem with unfilled vacancies. The trend is unacceptable. I am glad that Senator Biden is holding this important hearing to address the needs of our State and local law enforcement agencies.

A primary concern of mine is the weakening of the important Community Oriented Policing Services program, or COPS. Disturbingly, we have seen a steady and significant decline in the funds appropriated and spent in connection with the COPS program. At its start, the program increased police presence on the streets, and by all accounts aided in the steady decline in the national crime rate in the 1990s. In fact, between 1994 and 2001, violent crime dropped by 29 percent. And, in 2005, the GAO recognized that the COPS program had been an effective tool in reducing violent crime.

Yet, despite proven successes, the Bush administration has systematically dismantled critical support programs for local law enforcement. Beginning with President Bush's first year in office, the administration has proposed consistent cuts to COPS, and in fact has gone so far as to propose to completely do away with the COPS program, eliminating opportunities to build on its already documented successes, and squandering the gains made in the early years of the COPS program.

We have been trying to reverse this trend. This Congress and this Committee have been taking important steps to show our support for our nation's law enforcement officers. In May, the Senate Judiciary Committee voted to report the COPS Improvement Act of 2007, a bill I was proud to introduce with Senator Biden. Despite tremendous support for this legislation, a Republican objection to passing the House version of this bill has prevented this important legislation from passing the Senate. I hope the objection is soon withdrawn.

This legislation would reauthorize and expand the ability of the Attorney General to award grants aimed at increasing the number of cops on the streets and in our schools. In Vermont, for example, passage of the COPS Improvement Act would likely mean that

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110 new police officers would be put on the streets in our communities. Additionally, the COPS Improvement Act would authorize funds for district attorneys to hire community prosecutors, and for law enforcement technology grants. The COPS program has been a resounding success, and the proposed improvements to the program would help our State and local law enforcement agencies cope with the substantial reductions in funding they have endured in recent years.

I am also a longtime supporter of the Edward Byrne Memorial Assistance Grant Program. Byrne funding is the backbone of drug enforcement and prosecution efforts in Vermont. Over the years, Vermont has been able to support a broad spectrum of projects within corrections, courts, training, forensics, and domestic violence and victim services as a result of the Byrne grant program.

Despite the effectiveness of these programs, in his 2009 budget proposal, the President did not just suggest cuts to COPS and Byrne, as he has in the past, but targeted these two effective programs for elimination. This week, Senator Specter and I sent a letter to the Senate Budget Committee strongly opposing these and other cuts to State and local law enforcement funding. I ask that a copy of our letter be inserted in the Record.

The administration's budget proposal signals that once again the needs of local law enforcement are trumped by the failed policy in Iraq. No expense is too large to equip the Iraqi police force. But to fund police forces at home is too onerous. For what we spending Iraq in just three and half days, this administration could fully fund the COPS program, putting 8,000 new police officers on the streets to make our communities safer. It is just one further example of the skewed priorities of this administration.

Funding is not the only resource our Federal government is denying our State and local law enforcement agencies. Just yesterday, the *Wall Street Journal* reported that an internal report of the Department of Homeland Security found that our State and local agencies are often denied crucial intelligence information they need to help keep our communities safe. Our law enforcement agencies deserve better.

We must give local law enforcement the resources they need, and we must make sure that the Federal Government is doing its part. We must fund and encourage more prevention programs, particularly for young people, which can reach kids before they turn to crime and keep all of us safer. I look forward to hearing from today's distinguished witnesses, including Senators Harkin and Chambliss, and leaders of important law enforcement entities about how we can best address the problem of rising crime.

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United States Senate
COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510–6275

February 26, 2008

The Honorable Kent Conrad
Chairman
Committee on the Budget
United States Senate
Washington, DC 20510

The Honorable Judd Gregg
Ranking Member
Committee on the Budget
United States Senate
Washington, DC 20510

Dear Chairman Conrad and Ranking Member Gregg:

As Chairman and Ranking Member of the Judiciary Committee, we thank you for the opportunity to express our views pursuant to Section 301(d) of the Congressional Budget Act concerning Fiscal Year (FY) 2009 funding for programs within the Judiciary Committee's authorizing jurisdiction.

The Administration's proposal provides an overall $22.9 billion, an estimated decrease of $500 million (or 2 percent) below the 2008 Omnibus level of $23.4 billion. The requests that we are making, as outlined below, show our commitment to ensure adequate resources for essential programs. We urge that these requests be given careful consideration.

State and Local Assistance

The need for State and local resources focused on protecting our communities from violent crime in combination with the resource demands of counterterrorism efforts at all levels of government, continue to strain the nation's State and local law enforcement agencies. It is essential that the budget provide the funding necessary to sustain and build the crime fighting capacity of State and local law enforcement through proven and effective law enforcement grant programs.

The President's FY 2009 budget proposal provides $1 billion for State and Local Law Enforcement grants, a 63 percent decrease ($1.6 billion) from the current FY 2008 Omnibus level. In addition to this significant decrease in funding, the Administration again proposes to restructure Justice grants by combining more than 70 existing grant programs with diverse purpose areas into four consolidated grant programs.

Because the Department has failed to provide detailed draft authorizing language suggesting how this consolidated program would be structured and which authorized programs it will include, it is unclear whether the grant conditions, priority considerations, and grant administration structures that exist under current law would be retained under the proposed consolidated grant program.

The Administration seeks to justify the combination of these grant programs by noting that a consolidated program will "eliminate earmarks and formulas and improve the ability of States, localities, and Tribes to respond to increases in violent crime by better targeting funds to key criminal justice priorities." We recognize the need for flexibility and streamlining of Federal grant programs in order to ensure adequate funding and optimum efficiency, however we believe Congress is better equipped to address such comprehensive restructuring through authorizing legislation. Nonetheless, added flexibility will not make up for the significant cut in resources. We strongly oppose the elimination of specified funds for individual authorized grant programs and request that the Committee fund these programs at their authorized levels. We urge the Committee to fund the following programs:

Community Oriented Policing Services (COPS) - The COPS Program, which enables local communities to substantially increase the number of law enforcement officers interacting with the community and encourages innovative crime prevention programs and new law enforcement technologies, is a resounding success. Since 1995, COPS has awarded $11.3 billion in grants to law enforcement agencies, funding more than 118,768 new law enforcement officers in over 13,000 communities in all 50 States. Community policing and the outstanding work of so many law enforcement officers have played a vital role in our crime control efforts. With crime rates rising and the FBI transitioning agents from crime to counter-terrorism, we need to provide more, not less, support for State and local law enforcement. Additionally, significant progress in the reduction of rural and small city violent crime rates made in the 1990s has stalled, and reversed, as a result of those affected areas being unable to sustain and increase their police forces due to budget constrictions. Funding provided through this program to put more law enforcement on the streets has had a measurable effect on violent crime in small cities and rural areas and Congress should increase its investment in this regard.

The President's budget proposes to consolidate the COPS program into the Byrne Public Safety and Protection Program, which the Administration proposes to fund at $200 million. The proposal consolidates the COPS grant program with dozens of other programs, which would result in enormous competition among potential grantees for inadequate resources. If enacted, this would jeopardize COPS grants for the COPS Law Enforcement Technology Program and the Reduce Gang Violence Program, and would require drastic reductions in funding for equipment and support staff grants on which State and local law enforcement agencies rely to carry out their crime-fighting duties. The President's proposal would also jeopardize some of the State and local programs to upgrade criminal records, a DNA initiative, and an offender re-entry program. The Violence Against Women and Department of Justice Reauthorization Act of 2005 (PL 106-192) authorized the COPS program at an amount of $1.047 billion annually through

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FY 2009. We strongly oppose the reduction in funding that would be caused by the consolidation of COPS into the consolidated "Byrne Public Safety and Protection Program," and request that the COPS program be funded at its authorized level for FY 2009.

Edward Byrne Justice Assistance Grants (EBJAG) - In the President's FY 2009 budget proposal, the Byrne Justice Assistance Grants have been consolidated into one fund, totaling $200 million, which represents a cut of $150 million from the President's proposed consolidation in FY 2008. In the FY 2008 omnibus, the EBJAG programs alone were appropriated $170 million. The Administration's consolidated Byrne Justice Assistance Grants program would include other State and local law enforcement programs that are not currently contained within JAG. Therefore, if enacted, the consolidation would require more State and local law enforcement officials to compete for fewer funds. As Chairman and Ranking Member of the Judiciary Committee, we strongly oppose the consolidation of these programs, which our local communities rely upon. JAG programs make grants to States to improve the functioning of the criminal justice system, with emphasis on violent crimes and serious offenders, and to enforce State and local drug laws. These programs are essential in preventing and reducing crime nationwide.

As part of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162) Congress streamlined the Justice Assistance Grants and the Local Law Enforcement Block Grants (LLEBG) programs into one program authorized at $1.095 billion for 2006 "and such sums as may be necessary for each of the fiscal years 2007 through 2009." As Chairman and Ranking Member of the Judiciary Committee, we oppose the Administration's current proposal to make further consolidations of these longstanding and successful programs on which many of our local communities rely. We strongly urge that JAG be funded at levels authorized for FY 2006.

Violence Against Women Act (VAWA) - In 2005, Congress reauthorized the Violence Against Women Act (Public Law 109-162), which continues to be a tremendous success in providing essential and lifesaving programs to end sexual and domestic violence. Nearly 25 % of U.S. women report that they have been physically assaulted by an intimate partner during their lifetimes, and 1 in 6 have been the victims of attempted or completed rape. The cost of intimate partner violence exceeds $5.8 billion each year, $4.1 billion of which is for direct medical and mental health care services.

The Violence Against Women and Department of Justice Reauthorization Act of 2005 authorized $795 million to aid victims and survivors and to prevent domestic violence, dating violence, sexual assault, and stalking. In his budget proposal for FY 2009, the President requests a consolidation of all DOJ-administered grant programs and requests a total of $280 million for funding for these VAWA programs, which is $515 million less than authorized in the law.

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Full funding for VAWA's programs and services is essential in preventing violence and repairing the lives of victims. Cornerstone grant programs such as "STOP" (Services, Training, Officers, Prosecutors), the Grants to Encourage Arrest and Enforce Protection Orders, the Sexual Assault Services Program for victims of rape and sexual assault, the Transitional Housing Program for domestic violence survivors, and the Rural Domestic Violence and Child Victimization Grants deserve full funding at their authorized levels of $225 million, $75 million, $50 million, $40 million, and $55 million, respectively and we strongly oppose the consolidation of these programs into a single competitive grant fund.

Bulletproof Vest Partnership (BVP) - The Bulletproof Vest Partnership Grant program plays an essential role in distributing lifesaving bulletproof vests to law enforcement officers serving in the front lines nationwide. We opposed the President's proposal in FY 2008 to eliminate this important program, and we once again strongly oppose the President's proposal to do the same this year. The BVP program was reauthorized as part of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162). That law authorizes $50 million per year through FY 2009 for this successful program that protects the lives of State and local law enforcement officers. In fact, the BVP is so successful that since 1999 it has provided law enforcement officers in 11,500 jurisdictions nationwide with nearly 500,000 new bulletproof vests.

The Bulletproof Vest Grant Partnership Act of 1998 was established in a response to multiple tragedies involving law enforcement officers. In the tragic Carl Drega shootout in 1997 on the Vermont-New Hampshire border two State troopers who did not have bulletproof vests were killed. The Federal officers who responded to the scenes of the shooting spree were equipped with life-saving body armor, but the State and local law enforcement officers lacked protective vests because of the cost. In June of 2003, a bullet pierced the body armor of Officer Edward Limbarcher of Pennsylvania's Forest Hills Police Department, critically wounding him, and demonstrating the structural weakness of many of the bulletproof vests that the Federal Government had helped to fund.

Bulletproof vests are fundamental to the protection of State and local law enforcement officers, but, as the incident in Pennsylvania proved, are subject to deterioration over time and periodically require replacement. Moreover, State and local law enforcement officers are increasingly called upon by the Federal government to assist in the national effort to protect the nation against terrorism, and we believe that Federal assistance should be commensurate with the evolving responsibilities of State and local law enforcement. Ensuring that all law enforcement officers have access to body armor is a fundamental component of this effort. We request that this important program be funded at its authorized level of $50 million for FY 2009.

Juvenile Justice - We strongly oppose the President's proposal to consolidate existing juvenile justice grant programs into a consolidated Child Safety and Juvenile Justice Grant Program. Several proven and effective programs would be undermined by consolidation into a single, loosely defined program.

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The Administration justifies the combination of these grant programs by noting that a "single, flexible" consolidated program can address "multiple child safety and juvenile justice needs." Congress is better equipped to address such comprehensive restructuring through authorizing legislation, particularly since it is unclear what grant conditions, priority considerations, and grant administration structures would apply to the administration's proposed unauthorized consolidated program. We strongly oppose the elimination of specified funds for individual grant programs and request that the Committee fund these programs at their authorized level.

Moreover, the President's consolidated budget proposal would cut funding for juvenile justice programs by 52 percent ($198 million). These juvenile justice programs have already experienced substantial cuts in recent years, and we should be seeking to improve their funding rather than reduce it even further.

In particular, we are strongly opposed to the President's proposal to eliminate the Juvenile Accountability Incentive Block Grant (JAIBG) program, which helps State and local governments address juvenile delinquency by, among other things, building new juvenile detention facilities, hiring additional judges and prosecutors, and training law enforcement personnel. In the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162), Congress agreed on a bipartisan, bicameral basis to reauthorize the Juvenile Accountability Block Grant program and authorized $350 million annually for the program. The President has proposed eliminating the program in each of his last six budgets, but Congress has wisely rejected that call, appropriating $50 million for FY 2006, 2007, and 2008. We urge the Budget Committee to reject the President's consolidation approach and allocate funding for this program at the full authorization level.

The President has also again failed to allocate any money for juvenile mentoring programs. Congress wisely appropriated $9 million for these programs in FY 2007, and an estimated $66 million in FY 2008 and should again support these worthwhile programs.

The Judiciary Committee is presently working on a reauthorization of the Juvenile Justice and Delinquency Prevention Act. We anticipate that the reauthorization will modernize, expand, and improve the Federal government's programs assisting States in keeping our children safe and out of the criminal justice system. Our budget allocations should reflect these priorities.

Reserve Fund for Second Chance Act

The Senate Judiciary Committee last year passed the Recidivism Reduction and Second Chance Act, S. 1060. The House passed a companion bill, H.R. 1593, the Second Chance Act, at the end of last year. It is imperative that the full Senate pass this important legislation this year and that the President sign it. To facilitate consideration of this legislation, we respectfully request that the Committee include in its budget a reserve fund for the Second Chance Act. The Second Chance Act focuses on making America safer by helping prisoners turn their lives around. It would fund collaborations between

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State and local corrections agencies, nonprofits, educational institutions, service providers, and families to ensure that offenders released into society have the resources and support they need to become contributing members of the community. The bill would require that the programs supported by these grants demonstrate measurable positive results, including a reduction in recidivism. We believe that we should be supporting good programs and demanding results for our Federal tax dollars, as this legislation would mandate.

Mentally Ill Offender Treatment and Crime Reduction Act (MIOTCRA) – This initiative was signed into law in 2004 after receiving unanimous bipartisan support in Congress to address the significant problem of people with mental illness in the criminal justice system. The reauthorization bill, which is currently pending business before the Judiciary Committee, has received bipartisan support as well. MIOTCRA has been instrumental in helping State and local governments to develop initiatives to reduce costs, improve public safety, and allow the alarmingly high number of mentally ill offenders to receive the treatment they need to return to productive lives. The MIOTCRA program is also important to our Nation's efforts to decrease crime and recidivism among mentally ill offenders. MIOTCRA is currently authorized at $50 million but the reauthorization bill provides $75 million for this important program. We urge the Committee to fund MIOTCRA at its full level of authorization.

Drug Courts - The Drug Courts program was authorized in the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162) at an amount of $70 million. Drug courts provide an important opportunity for the communities to reduce drug abuse by providing incentives for low-level drug offenders to obtain effective treatment. In FY 2009, the President includes drug courts in the consolidated competitive grant program, which we oppose. We urge the Committee to fully fund the Drug Courts program at its authorized level of $70 million.

Youth Violence Reduction Demonstration Grant Program - Section 1199 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162) authorizes five demonstration grants for areas with high incidence of juvenile and youth violence, high recidivism rates, and large numbers of at-risk youth. Given the recent surge of violence in America's cities, it is imperative that we encourage State and local governments to develop and implement innovative youth violence reduction programs by funding their initial efforts. We strongly urge this program be fully funded at the level of $50 million, for which it was authorized in FY 2007.

Combating Crimes against Children

The President's FY 2009 budget proposal requests consolidation of existing child protection grant programs into one, Child Safety and Juvenile Justice Program. We oppose this consolidation and urge the committee to reject attempts to combine these important programs.

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In particular, we strongly oppose the elimination of programs under the Missing Children Assistance Act. The Justice Department estimates that 2,200 children are reported missing each day. There are approximately 114,600 attempted stranger abductions every year, with 3,000 to 5,000 of those attempts succeeding. Experts estimate that children and youth comprise between 85 percent and 90 percent of missing person reports. Programs under the Missing Children's assistance act work in coordination with Federal, State, and local law enforcement agencies to provide critical support to our law enforcement agencies in locating missing children.

Missing Children's Programs were funded at $53 million in FY 08 and targeted for elimination this year. We strongly urge the committee to oppose this consolidation and fully fund programs aimed at combating crimes against children.

We also believe in the importance of funding the programs authorized under the Adam Walsh Child Protection Act of 2006 (P.L. 109-248) (the "Adam Walsh Act"), which was signed into law on July 27, 2006. In particular, we believe that it is important to fund the United States Marshalls Service to aggressively pursue sexual predators and to fund the Bureau of Prisons to implement a comprehensive sex offender management program in prisons. We also urge the Committee to fund Project Safe Childhood, which was authorized at $18 million for FY 2007, at the authorized levels.

Justice For All Act

The Justice For All Act (JFAA) (Public Law 108-405) reflects years of hard work and is an important piece of legislation that stands to improve the quality of justice for all Americans by harnessing the power of DNA evidence. The Act was carefully drafted and negotiated by Congress with an eye toward creating a bipartisan scheme that addresses the rights of victims, improves forensic testing, reduces the risk of error in capital cases, and strengthens our Nation's criminal justice system. Accordingly, we are disappointed that the Administration has chosen not to fund the JFAA.

The programs in the JFAA should be fully funded in FY 2009, particularly given that this will be the last year of authorized funding for the Act and the JFAA has never received adequate funding in the past. The authorizations under the JFAA for FY 2009 include $5,000,000 for enhancement of the Victim Notification System, as authorized in section 103; $28,500,000 for the other victims' programs authorized in section 103; $151,000,000 for the Debbie Smith DNA Backlog Grant Program, as authorized in section 202; $102,100,000 for the other DNA programs authorized in sections 303-308; $20,000,000 for the Paul Coverdell Forensic Sciences Improvement Grant Program, as expanded by Section 311 of the JFAA; $5,000,000 for the Kirk Bloodsworth Post-Conviction DNA Testing Grant Program, as authorized in section 412; and $75,000,000 for the Capital Representation and Capital Prosecution Improvement Grants, as authorized in section 426.

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The JFAA represents a strong bipartisan achievement and was an important step forward to improve our criminal justice system. It deserves all necessary funding. Therefore, we recommend full funding for the JFAA and its programs.

Crime Victims Fund

The President's FY 2009 budget proposal once again requests the removal of $2.024 billion from the Crime Victims fund to the General Treasury. As in the past, we respectfully request that the Committee continue to oppose proposals to rescind all amounts remaining in the Crime Victims Fund at the end of FY 2009, and allow those amounts to remain in the fund for the use as authorized by the Victims of Crime Act (VOCA) (PL 98-473).

Since its enactment more than 20 years ago, VOCA has been the principal means by which the Federal government has supported essential services for crime victims. VOCA created the Fund so that fines, forfeitures, and assessments paid by Federal criminal offenders—not taxpayers—generate the revenue used for grants to State crime victim compensation programs, direct victim assistance services and services to victims of Federal crimes. Congress intended that these funds be held in trust to carry out these important purposes.

More than 4,400 agencies nationwide provide critical services to nearly four million victims of domestic violence, sexual assault, child abuse, drunk driving, elder abuse and all other types of crime annually. These agencies rely upon VOCA grants to aid victims in paying for medical care, mental health counseling, lost wages and support, and funeral and burial costs through State crime victim compensation programs that supplement State-funded benefits with VOCA grants.

In FY 2000, Congress began limiting the amount of Fund deposits that could be obligated each year. This was in response to fluctuations in Fund deposits in order to "ensure that a stable level of funding will remain available for these programs in future years." That same year, Congress amended the law to ensure all receipts remain in the Fund for obligation in future fiscal years. These steps created a balance in the Fund for use in years when the deposits fell below the annual cap. These services are essential to numerous victims' assistance programs in every State. Every State has programs that would be affected or discontinued if this rescission is allowed to stand.

The FY 2009 cap request is $590 million, which would mean a cumulative cut in assistance grants of $156 million (45%) since 2006. With the cuts sustained in both FY 2007 and FY 2008 and the continuation of administrative charges taken by the Department of Justice from underneath the cap, the cap needs to be raised this year to get State assistance grants back to the FY 2006 level.

We urge you to refrain from adopting the President's rescission proposal and to continue the retention of all deposits in the Crime Victims Fund. Rescission of this vital funding

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source would leave zero dollars available at the beginning of FY 2009 and would create a disastrous situation for providers of victims' services.

National Instant Criminal Check System (NICS)

On December 19th, 2007, both the Senate and House of Representatives took an important step toward improving the effectiveness of the National Instant Criminal Background Check System (NICS), which is administered by the Federal Bureau of Investigation (FBI). At the end of the first session of the 110th Congress, both chambers unanimously passed the NICS Improvement Amendments Act of 2007 (H.R. 2640). On January 8, 2008, the President signed the bill into law (PL 110-180).

The NICS database houses those public records that disqualify individuals from purchasing a firearm pursuant to 18 U.S.C. §§ 922(g) & (n). Currently, States vastly underreport disqualifying public records to NICS. The result is that the Federal database housing disqualifying records, which licensed firearms dealers query when making a sale, fails to fulfill its goal to prevent firearms purchases to disqualified individuals. This failing was acutely realized in the tragedy that took 32 lives at Virginia Tech on April 16, 2007.

The NICS Improvement Amendments Act of 2007 provides several State grant programs to give States strong incentives to begin improving the NICS system, and the bill also provides penalties if States do not meet certain compliance standards. Given this approach, it is vitally important that NICS be fully funded at its authorization levels, so that States will not later be punished without being given the resources to correct the system. The authorizations under the NICS Improvement Amendments Act of 2007 for FY 2009 include $125 million for grants under the National Criminal History Improvement Program, as authorized by Section 103 and $62.5 million for grants to improve automation and transmission of court dispositions, as authorized by Section 301. In an effort to strengthen the partnership between States and the Federal government in achieving an effective system to prevent firearms purchases by individuals prohibited from doing so under Federal law, the Committee requests that the authorizations in PL 110-180 be fully funded in FY 2009.

Big Brothers Big Sisters and Boys and Girls Clubs of America

The Big Brothers Big Sisters and Boys and Girls Clubs of America organizations are unique and valuable resources, which Congress has recognized by authorizing the missions of these organizations. In the Consolidated Appropriations Act of 2008, Congress provided a $70 million appropriation for "mentoring programs". We believe, however, that both organizations deserve dedicated funding at their authorized levels.

Big Brothers Big Sisters - Subtitle A of Title VI of the Adam Walsh Child Protection and Safety Act of 2006 (P.L. 109-248) (the "Adam Walsh Act") recognized the ability of youth mentoring to make a positive impact in the lives of at-risk children by authorizing the Office of Juvenile Justice and Delinquency Prevention to make grants to Big Brothers

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Big Sisters of America for use in expanding capacity and serving youth. The Administration's Budget once again does not include any funding under this authority. We encourage the Administration to capitalize on the positive potential of the Big Brothers Big Sisters mentoring program by providing resources under the authority of the Adam Walsh Act at its full authorized level.

Boys and Girls Clubs of America - Boys and Girls Clubs across the country are a proven success in supporting our Nation's young people and promoting leadership. Congress has authorized funding for the Boys and Girls Clubs through 2010, and has consistently appropriated funds in recognition of the organization's success in discouraging youth gangs, drug abuse, and violence in communities across the country. Nowhere does the Administration's budget specifically mention the Boys and Girls Clubs of America. In order to continue its work on behalf of the nation's young people, this funding is critical. We therefore request that the Budget Committee fund the Boys and Girls Clubs of America at its authorized level (PL 108-344) for FY 2009 of $95 million within the DOJ budget for State and local law enforcement assistance.

Regional Information Sharing System (RISS)

RISS serves as an invaluable tool to Federal, State and local law enforcement agencies by providing much-needed criminal intelligence and investigative support services. It has built a reputation as one of the most effective and efficient means developed to combat multi-jurisdictional criminal activity, such as narcotics trafficking and gang activity. Without RISS, most law enforcement officers would not have access to newly developed crime-fighting technologies and would be hindered in their intelligence-gathering efforts.

We must ensure that RISS can continue current services, meet increased membership support needs for terrorism investigations and prosecutions, increase intelligence analysis capabilities and add staff to support the increasing numbers of RISS members. In both FY 2007 and FY 2008, Congress appropriated $40 million for RISS. The President's budget proposal includes $34 million for this critical program. Therefore, we urge the committee to fund RISS at a level no less than the enacted FY 2008 amount.

Reserve Fund for Gang Abatement and Prevention Act

The Senate last year passed the Gang Abatement and Prevention Act of 2007, S. 456. We hope that the House will pass this important legislation this year. To facilitate consideration of this legislation, and particularly those vital provisions which fund effective prevention programs and collaborations between law enforcement and effected communities, we respectfully request that the Committee include in its budget a reserve fund for the Gang Abatement and Prevention Act. The bill will provide resources necessary to adequately support the officers who combat gang violence on a daily basis and the organizations that work to keep children out of gangs. It will be particularly important to fully fund the bill's initiatives to support collaborative law enforcement and community prevention efforts, including funding of civic groups pursuing innovative prevention programs that truly work to reduce gang violence.

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Federal Bureau of Investigation (FBI)

While we support many of the proposed increases in the FBI's budget, we remain concerned that some of these resources may not be used effectively and efficiently. In particular, we continued to be concerned about the adequacy of funding for traditional law enforcement. For example, the Administration has proposed adding 280 counter-terrorism agents and 271 intelligence analysts to its workforce in FY 2009, but has asked for no new criminal law enforcement agents or support for criminal agents. While it is appropriate for the FBI to prioritize counter-terrorism work, traditional law enforcement, such as violent crime, public corruption, and corporate fraud require some attention as well, and simply putting all new resource into one area may create an imbalance that threatens to undermine some of the core mission of the FBI. This problem is again one of the top management challenges at the Department of Justice according to the Office of Inspector General (OIG), and will be the subject of careful review by the Judiciary Committee.

We also remain concerned about the FBI's troubled efforts to modernize its information technology (IT) program since September 11, 2001. In past years, the Justice Department's Office of the Inspector General (OIG) has issued several audit reports on the FBI's latest IT modernization program, known as Sentinel. In August 2007, the IG issued its latest audit of Sentinel reporting on the completion of phase one of four in the program. The IG found that certain elements of the Sentinel program would be delayed, and found some cost overruns for the program, suggesting that the program will need continued monitoring to ensure it accomplishes its goal of creating a functional IT system for the FBI. While supportive of funding for Sentinel, the Judiciary Committee is committed to conducting vigorous oversight of the FBI to ensure the Sentinel program remains on budget and on schedule.

The Judiciary Committee will also pursue oversight of additional budget-related matters at the FBI. For example, we will continue to examine whether the FBI has been successful in developing, training, and retaining its growing workforce of intelligence analysts. Last year, an OIG audit of the FBI's programs for hiring and training intelligence analysts showed some improvement over an earlier audit, done in 2005, but also identified to challenges for the FBI in improving its cadre of intelligence analysts.

Another area that may require additional attention in the near future is the FBI's National Name Check Program (NNCP). The NNCP reportedly receives between 3.3 and 3.5 million name check requests annually. Of these, more than 1.5 million are related to immigration cases from the Department of Homeland Security, followed in volume by requests from the Office of Personnel Management and the State Department. Although 90% of these checks are reportedly completed within 30-60 days, the remaining 10% can take years to complete. The difficulties in resolving this ongoing backlog remain a concern for Members of Congress, given that the delays have an adverse impact both on national security and the timely processing of immigration benefits such as naturalization applications.

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Civil Rights

The Department of Justice plays a vital role in prompt enforcement of our civil rights. We support an increase in funding for the Civil Rights Division and an increased focus on the core mission of the Division to safeguard civil rights, including the prosecution of hate crimes, deterrence of the victimization of migrant workers, combating police misconduct, fighting housing and employment discrimination, eliminating discrimination against persons with disabilities, guarding voting rights, protecting victims of trafficking, and protecting fundamental opportunities.

The Department's Civil Rights Division was created by Congress 50 years ago at the height of the civil rights movement. Since then, it has stood at the forefront of America's march toward equality, though there are reports that departures of expert career staff, notably those in the office that reviews "pre-clearance" petitions under Section Five of the Voting Rights Act, are threatening the ability of the Division to carry out its mission. In our recent oversight hearings, we have noted concern about the politicization of the Division's hiring practices and its movement away from a focus on enforcing core civil rights protections for minorities, including laws that protect against discrimination in the workplace, schools, voting booths, and elsewhere. Information available to Congress and in recent news reports underscores this decline in the number of traditional civil rights cases filed by the Division, particularly in the important areas of hate crimes and voting rights, a disturbing attrition of experienced attorneys from the Division, an increasing diversion of the Division's resources to non-civil rights issues, and a shift away from the Division's traditional focus on ensuring voter access. When he signed the Voting Rights Act Reauthorization and Amendments Act into law in 2006, the President promised to enforce it vigorously. We hope that he does so in this election year in order to give meaning to the civil rights laws that give the government the authority to fulfill constitutional guarantees.

While we are encouraged that the proposed budget this year shows a slight rise in estimated pending cases in 2007 and 2008, the case numbers still significantly lag behind the numbers of just a few years ago. The FY 2005 budget showed 9,678 pending matters at the beginning of 2003, compared with 5,215 cases at the start of 2006 and an estimated 6,220 cases at the beginning of 2008. Thus in the beginning of 2008, there are about a third less cases pending as there were at the beginning of 2003. This could have significant negative implications over time with respect to our civil rights laws.

State Criminal Alien Assistance Program (SCAAP)

Enacted as part of the Violent Crime Control and Law Enforcement Act of 1994, SCAAP reimburses States and localities that incur costs for incarcerating undocumented criminal aliens. SCAAP is administered by the Office of Justice Programs' Bureau of Justice Assistance and funding for the program has been appropriated by Congress annually since 1995. For FY 2008, notwithstanding the Administration's proposal to eliminate the entire program, Congress appropriated $410 million. However, the calculated awards

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cover only a portion of the costs that State and localities must incur to house undocumented criminal aliens and are then further reduced based upon available funding. In 2005, for example, actual awards were only 36% of calculated awards.

For the past several years, we have been troubled by the Administration's proposal to eliminate SCAAP, leaving State and local governments to cover the additional expenses for illegal alien incarceration, in the face of explicit Congressional will to the contrary. Indeed, in 2006, Congress amended the INA to specifically authorize SCAAP funding through FY 2011 at a maximum level of $950 million. (*See* INA § 241(i)(5)(c).) The increasing number of illegal aliens in the United States—estimated in the millions—coupled with the fact that a percentage of these aliens commit felonies while present in our country, causes many of our State and local governments to spend part of their already-scarce resources on the prosecution and incarceration of these criminal aliens. The SCAAP program was initially established because of the overriding principle that protecting the Nation's borders from illegal immigration is the responsibility of the Federal government. States and localities have no other option but to house these individuals, and, without necessary Federal funding, this is very similar to an unfunded mandate. In addition, as a 2002 DOJ audit report suggests, with properly conditioned grants, SCAAP is more than reimbursement, it is an important tool in securing critical State and local cooperation in the Institutional Removal Program, which is designed to identify and process removable criminal aliens while they are still in custody so that they may be promptly removed upon completing their sentence. We therefore request that SCAAP be funded at least at the level appropriated for FY 2008.

Office of Inspector General (OIG)

The Office of Inspector General (OIG) plays an important role in oversight and improvement of the Department of Justice's functions, and will play a crucial role in the coming year to restore confidence in the Department of Justice. The OIG has responsibility for many pending investigations, including matters relating to the removal of U.S. attorneys and alleged politicization in the Department of Justice's hiring process for career employees; a follow-up review of the Federal Bureau of Investigation's use of national security letters; a review of the Department's involvement with the National Security Agency terrorist surveillance program; and a review of the FBI's involvement in and observations of detainee interrogations in Guantanamo Bay, Iraq, and Afghanistan. In addition, the anticipated passage of new Foreign Intelligence Surveillance Act legislation will likely include new oversight responsibilities for the OIG. These reviews and the OIG's continued oversight are essential to restoring the independence and integrity of the Department of Justice.

In FY 2007, the OIG budget was frozen at the previous year's funding level and as a result the OIG has had difficulty meeting its growing oversight and investigative responsibilities. Last year, approximately 15-20 positions remained unfilled even as the OIG's workload substantially increased. This year the President's budget calls for a 7 percent increase in the OIG budget to add 16 positions, including 2 attorneys, but this would simply restore OIG to last year's proposed authorization and provide no additional

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resources for its new reviews and oversight obligations. Of particular note, the President's budget includes $1.2 million for new counter-terrorism oversight, and this allocation clearly needs to be increased just to meet the OIG's current and new obligations in this vital area of oversight. We would recommend that the budget for new counterterrorism oversight be increased to $3 million and the adjustments to the base budget request be increased to $5 million above FY 2008.

Freedom of Information Act (FOIA)

A key component of the Open Government Act of 2007 (P.L. 110-175), which was recently signed into law by the President, is the creation of the Office of Government Information Services (OGIS). Among other activities, OGIS will mediate disputes between agencies and FOIA requestors, review agency compliance with FOIA and house the newly created FOIA ombudsman.

The Administration's FY 2009 budget requests that the responsibilities of OGIS be transferred to the Department of Justice and funded through the Department of Justice's General Administration Salaries and Expenses appropriation (Section 519 of Title V of the Department of Commerce; p. 239 of the Appendix). This proposal is contrary to both the explicit text of the OPEN Government Act as well as its legislative intent. The legislation sought to make the FOIA ombudsman independent of the Department of Justice, which represents agencies sued by FOIA requestors. The placement of OGIS in an agency other than the Department of Justice was intentional to both enhance the office's independence and to avoid any real or perceived conflicts of interest. The current budget proposal would allow the Department of Justice to both mediate FOIA disputes and defend against them in court, if litigation ensued. We strongly oppose the inclusion of OGIS in the Department of Justice. We urge the Committee to reject the Administration's recommendation to transfer the responsibilities of OGIS to the Department of Justice.

Secret Service

Cyber and identity crime investigations conducted by the Secret Service are essential to protecting our Nation's financial and telecommunications infrastructure. Funding is needed to support the highly successful operations of the Secret Service's Electronic Crimes Task Force (ECTF) initiative – an initiative that has attracted broad, bipartisan support from Congress since passage of the USA PATRIOT Act of 2001. Financial fraud and identity crimes committed both domestically and abroad, continue to plague our Nation's critical financial infrastructure. One of the most effective means of combating organized criminal elements and the criminal abuses of technology, both in the U.S. and abroad, is through the use of the Secret Service's ECTFs. The ECTFs are a proven, resounding success, creating groundbreaking partnerships between Federal law enforcement, their local police and prosecutorial partners, and the private sector and academia. These task forces, strategically placed throughout the country, have become the primary conduit for cooperation between the Federal government and the private sector in the prevention, detection and investigation of electronic crimes. We urge the

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Committee to increase funding for this highly successful program by at least $5 million to continue an effective law enforcement program and training of special agents.

Funding is also important for the Secret Service for electronic crimes investigative training. Such training is imperative for the basic investigations of computers and electronic crimes, in advanced network intrusions, and in the forensic examination and preservation of digital evidence.

Funding should also be directed at electronic investigative operations. Technological advances offer domestic and transnational criminals new avenues to exploit our financial infrastructure vulnerabilities. Identity crime, credit card fraud and bank fraud are now being routinely committed on the Internet. Through its investigations, the Secret Service identifies systemic weaknesses in the financial, telecommunications, and other critical infrastructures. The information gathered will provide private industry and the public the ability to identify vulnerabilities and prevent or minimize future attacks.

Finally, funding should be directed at programs to collect and analyze criminal intelligence. The Secret Service serves as a central repository for the collection of data related to identity theft, credit card fraud, bank fraud, and telecommunications fraud. Developing technologies and trends in the financial payment industry provide information that may be used to enhance the Secret Service's capabilities to prevent and mitigate attacks against the financial and telecommunications infrastructures.

Cyber Crime and Identity Theft

Cyber crime and identity theft investigations are essential to protecting our Nation's financial and telecommunications infrastructure and the privacy of all Americans. Funding and staffing resources should also be directed at electronic investigative operations involving data breaches and the theft of sensitive personal data contained on government and private sector computers.

Identity theft, one of the most common forms of cyber crime, is a major concern among State and local law enforcement agencies. There is a critical need for the Federal government to take a leading role in establishing a national strategy to combat identity theft. We urge the Committee to fully fund any initiatives aimed at fighting cyber crime, and particularly those undertaken by the electronic crimes task forces of the United States Secret Service.

Copyright Royalty Board (CRB) and the Copyright Royalty Judges

The Copyright Royalty and Distribution Reform Act of 2004 replaced copyright arbitration royalty panels with the Copyright Royalty Board (CRB), composed of three appointed Copyright Royalty Judges. The Librarian of Congress swore those three judges into office on January 11, 2006. The CRB took over the adjudication of royalty rates for compulsory licenses under the Copyright Act, conducting proceedings that, for example, set rates to be paid by entities ranging from cable companies to webcasters for their use

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of copyrighted content as they deliver video and music programming. The CRB is also involved in adjudicating disputes about how these payments are distributed to copyright holders.

Because the benefits of compulsory licensing flow almost exclusively to the licensees and the public, we believe the cost of administering the licenses should not be paid exclusively by the copyright holders. The law creating the CRB made clear that funding was to be made out of public funds and not out of the Copyright Office account (17 U.S.C. 803(e)(1)(B)). Thus, to implement that provision, we urge that the CRB receive full and mandatory funding, in order to permit this important work to be accomplished. Thus, the Committee requests that the budget resolution contain mandatory funding to fund the CRB at: $1,350,000 for FY 2009; $1,400,000 for FY 2010; $1,450,000 for FY2011, $1,500,000 for FY 2012, and $1,550,000 for FY 2013. Note that mandatory funding for the CRB at $1,300,000 per year for fiscal years 2006 through 2010 was passed by the full Senate in late 2005 in section 8004 of S. 1932, but the provision was dropped in Conference. The allocation of funds by your Committee for this purpose would provide the funding needed for the Senate and the House to pass legislation based on the text of section 8004 (of S. 1932, as passed by the Senate in the 109th Congress) except with annual increases in funding of $50,000 per year, starting with $1,350,000 for FY 2009; and ending in FY 2013.

U.S. Patent and Trademark Office

We commend and support the President's request to increase funding for the United States Patent and Trademark Office (PTO). In the President's FY 2009 budget proposal, the PTO would receive $2 billion to be drawn from their fees. This funding would provide critical resources to the PTO, which currently faces an overwhelming backlog of patent applications. In order to cut down on backlog and increase patent quality the agency needs the full allocation of resources to hire more examiners and staff members. We urge the Committee to fully fund the PTO and to prevent the diversion of fees from the agency to other governmental bodies, as proposed in the President's FY 2009 request.

Intellectual Property Enforcement Fund

In the January 2008 "Report to the President and Congress on Coordination of Intellectual Property Enforcement and Protection," the National Intellectual Property Law Enforcement Coordination Council notes that "[p]iracy and counterfeiting threaten individual artists and inventors as well as our small businesses and our most entrepreneurial industries. It also poses major health and safety risks to American consumers." As such, there is a critical need for the Federal government to take a leading role in protecting intellectual property rights in order to prevent billions of dollars in losses due to piracy and mitigate health and safety risks from trade in counterfeit goods. We urge the Committee to fully fund any initiatives aimed at fighting intellectual property theft, particularly those undertaken by the Department of Justice for intellectual property rights enforcement. The Intellectual Property Enforcement Act of 2007, S. 2317, authorizes $12 million for each of fiscal years 2009 through 2012 for improved

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investigative and forensic resources for intellectual property rights enforcement, and an additional $10 million for the FBI and DOJ to hire and train additional agents and prosecutors to investigate and prosecute criminals for intellectual property crimes.

The Federal Judicial System

The Committee recognizes the essential role that an independent Federal judiciary plays in our constitutional system of government. The Committee understands that Federal judges have no control over the number of cases filed in Federal courts and have little flexibility in how quickly these cases must be handled. The judiciary's workload is heavily influenced by national policies initiated in the Executive and Legislative Branches.

The Federal judiciary requested an appropriation of $6,721,191,000 for FY 2009. These funds when combined with non-appropriated funds (such as fees) represent a 7.6 percent increase in overall available funding when compared to the previous fiscal year. The requested appropriation includes funding to hire additional court support staff to address the most critical workload needs of the courts, including immigration enforcement and sex offender enforcement. Congress continues to devote more and more resources to the law enforcement efforts of the Departments of Justice and Homeland Security, and these efforts generate a considerable workload for the courts. The Judiciary's FY 2009 budget requests a modest increase in order to allow the courts to address this workload. Over the last decade caseloads began to steadily outpace court staffing levels and, to date, the courts have not had the resources needed to catch up.

Last year the Committee favorably reported a court security improvement bill (S. 378). The Senate passed a compromise version of the House bill in December and it became law last month. The judiciary's appropriations request includes a $4.1 million increase for investments in court security such as court security systems and equipment and additional U.S. Marshals Service personnel.

Despite the Administration's public support of a significant increase in judicial salaries, there is no money allocated to this change in the Administration's budget. The Committee recently reported a bill to increase the salaries of Federal judges (S. 1638) which would provide a 29% pay raise. This is the same increase that the Judiciary Committee in the House of Representatives recently approved. The Congressional Budget Office has not yet issued an official cost estimate for this legislation but the Committee understands that the leaders in both chambers are working with the Office of Management and Budget to locate an appropriate offset.

Looking ahead, there is a need for new Federal judgeships to address the judiciary's increasing caseloads. Since 1990, case filings on Federal appellate courts increased by 55 percent and case filings on Federal district courts rose by 29 percent. In 2006, the weighted number of filings in district courts, which takes into account an assessment of complexity, were 464 per judgeship, well above the Judicial Conference's standard. The same year, the national average circuit court caseload per three-judge panel approached the record number of 1,230 cases, recorded a year earlier. The Committee intends to

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consider legislation during this session that would add additional judgeships to the Federal district and circuit courts to address this shortfall.

It is critical that the judiciary receive its full funding request in FY 2009.

* * * * *

Thank you again for allowing us to share our views and estimates for FY 2009. We look forward to working closely with you on this and other issues.

Sincerely,

PATRICK LEAHY
Chairman

ARLEN SPECTER
Ranking Member

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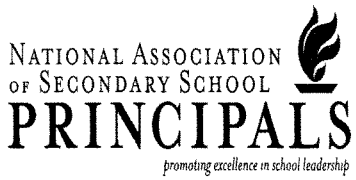

February 27, 2008

The Honorable Joseph R. Biden
210 Russell Senate Office Building
Washington, DC 20510

The Honorable Arlen Specter
711 Hart Senate Office Building
Washington, DC 20510

Dear Senator Biden and Senator Specter:

In order for students to learn effectively, a personalized learning environment is essential. However, personalization cannot occur if students and staff are distracted by school crime and violence. Bullying, gangs, fights, and illegal activities remain the most commonly cited problems in schools, according to NASSP's 2007 poll of middle school students. Problems in school become problems for society, and a 2003 report by Fight Crime: Invest in Kids found that by investing in programs that reduce bullying and school violence, later criminal behavior can also be reduced. The Community Oriented Policing Services (COPS) program is an essential tool for schools, communities, and law enforcement to combat the challenges of youth violence and victimization.

Since 2006, the COPS program has provided over $740 million to hire and train more than 6,400 school resource offices. The COPS program has also helped schools pay for the installation and operation of metal detectors, locks, lighting, and other security measures designed to deter crime and violence. As a result, "the COPS in Schools program has provided principals with the resources they need to create and sustain a safe school environment, allowing a culture of learning and excellence to emerge," said Scott Pfeifer, Principal of Centennial High School in Maryland, and NASSP Board Member.

In the early days of 2007, you introduced and cosponsored the COPS Improvement Act of 2007 (S. 368), which would reauthorize and expand this program by increasing the authorized level for the COPS program from $1.05 billion to $1.15 billion annually. A nearly identical bill was later introduced and passed by the House with strong bipartisan support.

Despite a proposed elimination of the COPS program by President Bush in his FY 2009 budget, the Senate must continue to follow your lead, and support the passage of this bill.

Schools should be a haven for nurtured growth and learning, not fear and violence. Thank you for your continued leadership in the areas of school and community safety. We are glad you agree that this investment is critical to the success and wellbeing of millions of Americans.

Sincerely,

Gerald N. Tirozzi, Ph.D.
Executive Director

41527.036

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February 26, 2008

BY E-MAIL: Erek_Barron@Judiciary-dem.senate.gov
The Honorable Joseph R. Biden, Jr.
201 Russell Senate Office Building
Washington, DC 20510

Re: Byrne/Justice Assistance Grant Funding

Dear Senator Biden:

Created in 1911, the National Legal Aid & Defender Association (NLADA) is a national, non-profit membership association dedicated to achieving equal justice through quality legal representation for people who cannot afford counsel. NLADA members include public defense and civil legal services organizations, as well as corporations, law firms and individuals who support equal access to justice. Recognizing that research-based guidelines promote effective public policy, NLADA is a leader in the development of national standards for public defense systems in partnership with the United States Department of Justice and other entities.

The FY08 omnibus appropriations bill cuts Byrne/JAG funding by 67 percent. *We write to urge Congress to restore this funding to prior levels and in the process, to amend 42 U.S.C. § 3751(a)(1) to explicitly include public defense among the seven program areas approved for Byrne/JAG funds.*

Byrne-JAG funds have been used to support effective, creative police and prosecutor-sponsored programs, including programs that address victim-witness issues, and drug programs. Many of the initiatives supported by the funding recognize that preventing crime and reducing recidivism play an important part in the implementation of public safety strategies. We applaud agencies for their efforts in this regard and urge that the funds be maintained at current levels so as not to diminish capacity to protect public safety.

Historically, public defender agencies have similarly utilized Byrne/JAG funding to support prevention and treatment programs. Public Defender initiatives have included such things as:

- Hiring social workers to develop treatment plans for clients to reduce recidivism by addressing the underlying issues that resulted in their contact with the criminal justice system;
- Supporting special education advocacy to address the educational issues that result in children falling from the school system and ending up in the juvenile delinquency system; and
- Taking advantage of client access and attorney-client confidentiality to implement drug-counseling capacities within defender agencies.

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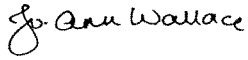
In 1990, Congress amended the older Byrne Grant statute to make clear that the states could use grant funds to expand "defender" resources. A report from the House Judiciary Committee where the amendment originated stated that the amendment "contemplates a balance of support for all components of the court process . . . in order to advance the overriding purpose of 'overcom[ing] congestion in the Courts, the most dominant problem in the criminal justice system.'" (quoting the Office of National Drug Control Policy).

When Congress amended the Byrne Grant statute and consolidated its 27 legislatively authorized purposes areas into 7 program areas to create the JAG statute, the "defender resources" language was dropped. And while current 42 U.S.C. § 3751(a)(2) requires that all programs that received funding under the old Byrne Grant statutory language remain eligible under the new language, public defense organizations struggle to make their case to state administering agencies, which tend to be dominated by law enforcement and prosecutor leaders.[1]

As Congress' 1990 action recognized, the components of the criminal justice system represent an inextricably intertwined "eco-system," in which any imbalance compromises efficiency and effectiveness. One of the unintended consequences of Byrne/JAG funding is that it has contributed to out-of-balance criminal justice systems around the country where police and prosecutor programs receive significant Byrne/JAG federal funds while most constitutionally-required public defense systems are left to survive on local resources alone. A result of the failures to balance the needs of prosecution and public defense can be seen whenever an innocent person walks out of a prison where he has tragically wasted years of his life. Taxpayers pay twice for this shortsightedness: by the dollars needed to incarcerate an innocent person and by the public safety toll extracted by the guilty party who remained free.

By restoring funding to the Byrne/JAG program while simultaneously amending 42 U.S.C. § 3751(a)(1) to once again explicitly list public defense as a program area, Congress will help restore an appropriate balance in local systems, while increasing the capacity of systems to reduce crime.

Respectfully submitted,



Jo-Ann Wallace
President and CEO

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[1] In FY1998 and FY 1999, the last years for which data is available, 1.4% of Byrne Grant funding went to public defense services with 33 (1998) and 31 (1999) jurisdictions providing zero dollars ($0) of Byrne Grant funding to public defense services. From 1990 to1999, there were sixteen states that never awarded any Byrne Grant funds to public defense systems. Indications are that the imbalance has only grown over the last eight years.

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Charles Ramsey, Police Commissioner, City of Philadelphia, Testimony before the Senate Judiciary Committee Subcommittee on Crime and Drugs February 27, 2008

Chairman Biden, Ranking Member Graham, Senator Specter and members of the Subcommittee, thank you for the opportunity to appear before you today to discuss this very important topic. My name is Charles H. Ramsey, and I am the Commissioner of Police for the City of Philadelphia. Like many American cities, the City of Philadelphia has been struggling in recent years with an increase in many types of violent crime. We have had to endure these troubles at a time of declining support from the federal government. As you are all well aware, funding for the Byrne Justice Program has been cut almost in half over the past two years, and funding for the COPS program has been nearly eliminated. Other funding sources have also been reduced dramatically. I am here to talk to you about the challenges we face and the ways that the federal government can help. With additional funds, we, like many other major city police departments, could increase the number of police officers on the street, enhance our technological capabilities, improve the training of our officers on the best practices of modern policing, and rehabilitate our inadequate facilities.

My testimony reflects what Philadelphia is experiencing and doing about violent crime. However, Philadelphia's experience is reflective of what other major cities are experiencing across this country. The Police Executive Research Forum (PERF) surveyed 56 jurisdictions in 2005 and 2006 and reported that many cities saw homicides increase 20 percent or more. The results of 2007 were more promising in some cities while others are still seeing increases in violence.

During the past two years, Philadelphians have borne a relentless assault on our sense of security. During the years 2005 and 2006, the City witnessed more than one homicide a day, making Philadelphia the most dangerous large city in America. The number of homicides of young people in 2006 was the highest level since 1997 and more than two young people a day suffered gunshot wounds. In 2007, the number of homicides declined from 406 to 392. The downward trend has continued so far through the New Year, but we are still at 46 murders for the year. The last week has been a particularly difficult one, with 11 murders. We all agree that even one murder is too many. Therefore, we must continue to work diligently to improve our policing efforts and protect our citizens.

On the day of his inauguration, Mayor Michael Nutter asked me to develop a crime fighting strategy, which he and I delivered to the City on January 30. The focus of the crime fighting strategy is a return to the basics of policing, combining what works from traditional crime fighting with the best of community policing. It is a bold, aggressive plan for a long-term, sustainable reduction of violent crime in Philadelphia. The strategy, which is already being implemented, has several components, including the following strategies:

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1. Put more cops back on the neighborhood beat. By May 1st we will put two-hundred (200) more officers on the street in Uniform Patrol . This will be accomplished through redeployment, hiring new officers, and the temporary use of overtime. With these additional forces, PPD will increase the number of foot and bike patrols. The administration's goal is to put a total of 400 officers on the street over the next year.

2. Focus on the toughest neighborhoods. We found that 65% of our violent crimes were concentrated in nine patrol districts. Our plan targets our efforts, establishing Targeted Enforcement Zones within those districts. PPD will immediately implement aggressive, proven strategies, including, but not limited to: lawful stop and frisk procedures, increased VUFA (violation of uniform firearm act) and aggravated assault warrant service, and increased lost and stolen gun investigations. The Department will immediately begin training officers in order to implement these tactics.

3. Expand the use of technology that works. We will expand our existing surveillance camera program from 26 to 250 cameras by December 31, 2008. The administration plans to add an additional 250 cameras by July 2009.

The Crime Fighting Strategy is intended to achieve Mayor Nutter's goal of reducing homicides by thirty to fifty percent over the next three to five years. I believe that it can work, and the Mayor, in his recently introduced budget, has given our Department additional funds to implement the plan. However, major urban areas are feeling the affect of the recent down turn in the U.S. economy. Local and state tax revenues are declining while there is an increasing demand for public services. Cities need federal financial help in fighting violent crime.

Let me briefly list some of the many ways that federal resources could assist us in our efforts. For several years, the federal government provided funds to support the hiring of additional police officers. Between April 1, 1995 and August 31, 1999, the City of Philadelphia hired 773 police officers under the COPS program. However, despite the efforts of Senator Biden and others, the funding for that program has been drastically scaled back since 2002. As a result of this change and other challenges, the number of police officers on the streets declined for several years. Mayor Nutter, with assistance from Pennsylvania Governor Edward G. Rendell, is working to reverse this trend, and the FY2009 budget contains funding to hire new officers. However, the City has many demands on its limited resources. Federal support for the COPS program would enable us to get more desperately-needed officers on the street.

Basic, aggressive, community-based policing is the most important crime fighting tool that a police department can implement, and this kind of policing requires up-to-date, intense training of police officers in several techniques, including community engagement and targeted tactics such as stop-question-frisk.

As part of the crime plan, my Department has committed to work with local community groups to develop a "community orientation" program for newly assigned officers to a district. The objective of the program will be to familiarize our officers with their newly

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assigned community and for the communities to better know their officers. At the same time, community relations officers will provide training for neighborhood leaders about the police department. Community policing is a time-intensive process that requires a deep understanding of the neighborhoods we serve. Additional federal funding would enable us to collect more sophisticated data about neighborhood conditions and needs and to enhance our training and community outreach efforts.

Although our patrol officers are the front line of our public safety system, technology also plays a crucial role in a comprehensive crime fighting strategy. Because of declining resources, the Philadelphia Police Department is behind in its application of modern technology to prevent and to solve crimes. There are numerous areas where additional funds to enhance our technology would make a major difference in our ability to protect our citizens. One example is surveillance cameras, which are excellent tools to document and prosecute criminals. In addition to serving these purposes, their mere presence has a dramatic deterrent effect, preventing crime in the immediate area. The FY 2009 City Budget includes funding for an additional 250 cameras, but many more areas could be covered with federal assistance.

Another area in which the technology would improve public safety would be through enhancing our response to violent crimes with the purchase of mobile rapid response command centers. These units, which are used in many cities, would enable investigators to immediately access databases to obtain the information needed to solve crimes. Such technology would greatly improve our ability to close cases and, equally importantly, to prevent the loss of any further life through retaliatory violence. The Department is hoping to purchase at least 5 of these vehicles, and federal resources would make this possible.

Another area where additional resources would help is by supporting improvements in the Department's investigation of gun crimes. Criminals who use guns during the commission of a crime are a direct and imminent danger to our communities. The federal gun laws have substantial penalties which include mandatory minimum sentencing. Thus, the Philadelphia Police Department is working with the U.S. Attorney's Office and the ATF to substantially increase the number of gun cases prosecuted at the federal level. However, it is very difficult to make progress in this area given the limitations of the Department's ballistic investigation system, which currently has a backlog of 6,000 pieces of ballistic evidence waiting to be tested. This impedes the Department's ability to identify and prosecute offenders. Additional federal resources would enable us to get through this backlog and get guns off the streets.

Finally, the Department, like police forces in many other cities, suffers from an overwhelming need for capital investment. Old decrepit facilities and an aging and high mileage vehicle fleet hamper effective crime fighting and lower morale. A recently completed study by the Pennsylvania Intergovernmental Cooperation Authority concluded that the City's police stations and training facilities are among the most dilapidated publicly-owned buildings in the City's inventory. Mayor Nutter has committed in the FY2009 budget to make investments to improve this situation, and the Department is working with the City to develop a multi-year capital improvement plan to repair or replace aging police facilities and an information technology plan to bring the

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department into the twenty-first century. However, without state and federal resources, it will take decades to bring our facilities up to modern standards.

These are just some of the many areas in which additional federal resources would make a major difference in the lives of our residents. As we all know, the daily assault of violent crime falls harder on some of us than others. The televised grief of family members devastated by a shooting seems to lead the news every evening. But even families untouched by violence and neighborhoods untainted by mayhem are demoralized by death and disorder in our city. It is the job of the Mayor, the Police Commissioner, and the whole police force to unite the resources of the whole community to calm the violence, restore order, and begin to build a tangible future for people who today don't see one.

Of course, a homicide is often the end result of a series of negative and misguided actions, events and decisions. Programs aimed at prevention, such as the Byrne Justice Program supported Youth Violence Reduction Partnership (YVRP) have had measurable successes in intervening in young peoples' lives, and providing intensive services to those most likely to kill or be killed. We are thankful to Senator Specter for his leadership in recognizing the importance of disrupting the cycle of violence in the lives of our young people and for securing funds for this program. However, with current funding YVRP only serves a small percentage of our population. Additional federal resources would help us achieve our goal of making the program city-wide.

I should also mention that In Philadelphia, we are working towards a holistic public safety effort that focuses not just on prevention but the re-entry of ex-offenders as well. The Philadelphia Re-Entry Program, or PREP, provides incentives to businesses to employ ex-offenders, because the best crime prevention program is a job. We are grateful to Senator Specter for recognizing the merits of this program and for proposing a similar initiative at the federal level.

Finally, we must not forget that our major urban areas are still terrorist targets. The belief is that the terrorists have not forgotten us but are planning their next big attack. Local law enforcement officer will be among the first responders to a terrorist attack and may be the one to prevent an impending attack. The local neighborhood terrorist is the focus of major city police departments. However, we are will aware of our dual responsibility to neighborhood security and homeland security. We are stretched thin and past homeland security funding was essential to bring local police departments up to the task of homeland security. Now is not the time to retreat on that commitment. Congress must fund the Law Enforcement Terrorism Prevention Program (LETTP) at $500 million and as its own line item. We are also need stability in the urban areas covered under the Urban Areas Security Initiative (UASI) for planning and sustainability. Local law enforcement officers have proven they can fight neighborhood crime and prevent and respond to terrorist attacks but we need your help.

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No community prospers or even survives long without safety. Safety is why people come together to govern themselves in the first place. Just as providing for the common defense is the fundamental obligation of our national government, it is the very first obligation of local government is to protect the lives of its residents. Mayor Michael Nutter and I have committed to making the safety of every Philadelphian a priority for this administration. Like other cities, we could use some help in doing this.

I thank Senators Biden and Specter for organizing this hearing on this vital topic, and I thank the members of the Committee for their consideration.

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Testimony of Anthony F. Wieners
President, New Jersey State Policemen's Benevolent Association
Executive Board Member, National Association of Police Organizations
"Supporting the Front Line in the Fight Against Crime: Restoring Federal Funding for State and Local Law Enforcement"
U.S. Senate Judiciary Subcommittee on Crime and Drugs
Dirksen Senate Office Building, Room 226
February 27, 2008 2:00 p.m.

Good Afternoon Mr. Chairman, Ranking Member Graham, and members of the Subcommittee. My name is Anthony Wieners and I am a Detective with the Belleville, New Jersey Police Department. I also serve as the President of the 33,000 member New Jersey State Policemen's Benevolent Association, and I am an Executive Board member of the National Association of Police Organizations (NAPO). NAPO represents approximately 238,000 sworn law enforcement officers throughout the United States.

The duty of every law enforcement officer in America is to serve and protect the people of our communities. As such, we need the manpower and tools to do our best to fight crime and, as a part of a national crime fighting strategy, we require the full support of the federal government now more than ever. I am here today because state and local law enforcement in America is being dangerously shortchanged. Our officers are being passed over for critical funding to assist them in combating and responding to crime and terrorism. Crime is on the rise and we need the resources to fight back now.

There are three issues that I will address this afternoon that are of increasing concern to the law enforcement community: the decrease in federal support for vital Department of Justice state and local law enforcement assistance programs since 2002; the additional duties taken on by local law enforcement agencies in the post-9/11 era; and finally, the recent increase in crime rates experienced by communities nationwide. These issues are interrelated and cannot be separated, particularly if we want to do something about the issue of rising violent crime rates in the United States.

The Community Oriented Policing Services (COPS) program and the Byrne Memorial Justice Assistance Grants (Byrne-JAG) program have given state and local law enforcement the necessary funding to significantly assist its efforts to keep our nation's communities safe. These justice assistance programs have contributed countless resources to help combat crime, from assisting with the hiring and retention of over 118,000 police officers to serve in local communities, to paying for overtime, equipment, training, and allowing for the development of intergovernmental task forces, as well as innovative partnerships to fight crime.

In 1994, Congress and the administration significantly strengthened state and local law enforcement in the fight against crime with the enactment of the Violent Crime Control and Law Enforcement Act of 1994. This law increased federal support for established state and local justice assistance programs and created the COPS program, which pledged to put 100,000 community police officers on our nation's streets. Since its enactment, the 1994 Crime Bill has

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surpassed its goal. Federal support in funding and resources provided to state and local law enforcement was a key factor in the reduction of crime rates nationwide. Nevertheless, this success cannot now be used as an excuse to dismantle the programs that have proven to be effective in protecting our neighborhoods.

It is not a coincidence that community policing was at its best and national crime rates were at their lowest when federal support for programs such as COPS, the Byrne Memorial Fund, and Local Law Enforcement Block Grant was at its peak. It is also no coincidence that the steep reduction in federal support for these programs has been followed by increases in violent crime rates nationwide.

With the support of these federal grant programs, local law enforcement was the dominant force behind the dramatic reduction in crime this nation witnessed over the past fourteen years. In 2000, violent crime rates were at their lowest level in thirty years. As the Heritage Foundation recently noted, local law enforcement has more knowledge and intelligence about the criminals in their jurisdictions than their federal counterparts, making them an essential part of the national strategy to combat crime.[1]

In fact, a December 2001 study by researchers at the University of Nebraska at Omaha found that the COPS program is directly linked to the historic drop in U.S. crime rates in the 1990s. The "More Cops = Less Crime" statistical analysis produced by Senator Biden, together with Congressman Anthony Weiner, provides further evidence to the link between the COPS grants funds and decreases in crime from 1995-2000.

According to the "More Cops = Less Crime" evaluation, the effects of the COPS grants from fiscal year 1994 to fiscal year 1999 on violent crime during that 1995-2000 period were substantial. During that time, approximately $2 billion was provided nationally in hiring grants and over $3.6 billion was provided in innovative grants to cities with populations over 10,000. Nationwide, police departments in these cities reported that violent crimes decreased by well over 150,000 incidents between 1995 and 2000.

As the New Jersey State PBA includes over 350 locals across the State, representing municipal, county, state and federal law enforcement officers, we are in a unique position to gauge the effect these grants have had with regard to the needs of the law enforcement community. The Uniform Crime Report maintained by the New Jersey Attorney General over the same period of 1995-2000 showed dramatic drops in every category of crime. It is not a coincidence that this occurred in roughly the same period New Jersey was granted over $293 million in COPS funding and that 4,563 officers hit the streets.

The current administration has been vocal in its dismissal of these important programs. It has repeatedly proposed steep cuts to the COPS and Byrne-JAG programs, with the COPS hiring initiative receiving the brunt of cuts. Since 2000, funding for the Byrne grants has been cut by more than 83 percent, from $1.023 billion to $170 million in fiscal 2008, and the COPS program has been cut by more than 43 percent, from $1.027 billion to $607 million. This fiscal 2008 level includes $20 million for the COPS hiring initiative, which had been zeroed out in the

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previous three fiscal years. $20 million will allow for the funding of approximately 500 officers nationwide. While better than no funding, this is not enough to make a real impact.

Through my work as a NAPO Board member, I know that the loss of needed federal support through the Byrne-JAG program not only adversely affects law enforcement in New Jersey, but also officers and agencies around the country. These cuts will result in the closing of many drug and gang task forces in California, Nevada, and Texas and throughout the Mid-West, at a time when these forces are making tremendous strides in the fight against methamphetamine. States and municipalities will have to lay off law enforcement officers, as they are currently in New Jersey, because of tightened budgets due to the lack of Byrne-JAG money. Additionally, cold case units, identity theft investigations, school violence prevention programs, victims and witness protection services are all now feeling the strain of this cut.

NAPO and the New Jersey State PBA are truly concerned about the steep decline in funding for vital state and local law enforcement assistance programs that has occurred since fiscal year 2002, particularly in light of the additional duties taken on by law enforcement officers since 9/11.

Today, local police departments, already understaffed due to the lack of resources to hire new officers, must place officers into Drug, Gang and Terrorism Task Forces, as well as protect critical infrastructure during periods of heightened national threat advisory levels, often at the expense of street patrols. Additionally, many cities and municipalities, because of tight budget constraints, are forcing officers to take on counterterrorism duties on top of their community policing duties, adding to their responsibilities while patrolling the streets.

For example, the Los Angeles Police Protective League (LAPPL), another NAPO member organization, has reported that when the Los Angeles Police Department is mandated to redeploy officers to protect infrastructure, staff terrorism task forces, and take on counterterrorism duties, patrol units suffer. The LAPPL attributes the rise in gang-related homicides that the city has seen to the lack of resources the police department has to cover the holes in community policing and gang deterrence caused by new terrorism prevention duties.

According to the FBI's semi-annual Uniformed Crime Report (UCR), which was released in December of last year, there was a steep increase in violent crime in the first half of 2006. These results follow the 2005 UCR, which stated that the murder rate was up by 4.5 percent from 2004 to 2005 and that violent crime in general, which included robbery, aggravated assault and homicides, increased by 2.5 percent. Up to this point, 2005 marked the highest rise in the crime rate in 15 years.

State and local law enforcement agencies are struggling to meet the needs of their communities due to increased duties and diminished federal assistance and support. With the police departments in this nation's cities and municipalities understaffed and overworked and national crime rates at their highest levels in fifteen years, how can Congress and this administration justify cutting or eliminating grants under the COPS program and the Byrne-JAG program?

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Over the past 15 years, local law enforcement officers and the agencies they serve have made tremendous strides in reducing the level of crime and violence in our communities. This success was in large part because of the much needed assistance and support provided to them by the federal government. The severe cut in funding suffered by the COPS and the Byrne-JAG programs is already beginning to dismantle the progress law enforcement has made in the fight against crime. The correlation between the substantial decreases in federal funding for these justice assistance programs and the sharp rise in crime over the past several years can no longer be ignored. It is the tools provided to state and local law enforcement by these programs that have improved information sharing, cooperation between departments and agencies, equipment, and training, which, in turn, has led to more effective law enforcement and safer communities.

Thank you for this opportunity to speak to you on behalf of America's rank and file law enforcement officers. I ask that my printed testimony be made part of the record, and I would be happy to answer any questions you may have.

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[1] Stimson, Cully. "Heritage Foundation: Don't Burn the Byrne Grants." FOXNews.com, February 8, 2008. http://www.foxnews.com/story/0,2933,330008,00.html

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