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HELPING STATE AND LOCAL LAW ENFORCEMENT

HEARING

BEFORE THE

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

ONE HUNDRED ELEVENTH CONGRESS

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HELPING STATE AND LOCAL LAW ENFORCEMENT

TUESDAY, MAY 12, 2009

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The Committee met, pursuant to notice, at 10:06 a.m., in room SD–226, Dirksen Senate Office Building, Hon. Patrick J. Leahy, Chairman of the Committee, presiding.

Present: Senators Leahy, Kohl, Feingold, Klobuchar, Kaufman, and Sessions.

OPENING STATEMENT OF HON. PATRICK J. LEAHY, A U.S. SENATOR FROM THE STATE OF VERMONT

Chairman LEAHY. Good morning. Good morning, Senator Kohl, Senator Sessions. I known Senator Feingold was here earlier. I think the Chief from Milwaukee had something to do with that.

This is National Police Week. We are going to pay tribute to the men and women who work every day to protect our communities, our schools, and our homes, and, of course, we have to remember, sadly, those who died in the line of duty. Across this country, more than 900,000 men and women in law enforcement work tirelessly day in and day out to keep us safe. And of those brave men and women, 133 gave their lives this past year, and more than 18,000 have died in our Nation's history. We owe them our gratitude and our honor, but we also owe them our commitment to do whatever we can to help them in their vital mission.

That is why, as this new Congress began, this Committee responded to the immense strain law enforcement is experiencing as a result of the economic downturn. I chaired the Committee's first hearing of the year, and that examined the urgent need for increased Federal assistance to State and local law enforcement. At that hearing, police chiefs and experts from around the country agreed that the current economic crisis makes Federal aid even more important.

I have worked with others in the Congress in both parties and with the administration to ensure that the recovery legislation included a major infusion of funds for State and local law enforcement. Vice President Biden has long been a leader on this issue, and President Obama, when he was in the Senate, consistently supported us, as he has as President.

The recovery legislation that Congress passed and the President signed into law included nearly $4 billion for State and local law enforcement, and we are already using that.

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Tough economic times create conditions that can too easily lead to a spike in crime. Earlier this year, USA Today reported a study by the Police Executive Research Forum finding that nearly half of the 233 police agencies surveyed had seen significant increases in crime since the economic crisis began. Sadly, a lot of that, Chief Flynn told me before the meeting started, is domestic violence.

In my home State of Vermont, we have seen the largest recipients of these funds in Vermont are going to be the cities of Rutland and St. Albans, where the Judiciary Committee held hearings in the last Congress that showed that crime and drugs are not just big-city issues but also issues for rural communities. Our largest city is 38,000 people. We have small cities and towns, but we are seeing an increase in crime.

The law enforcement funding, together with other budget decisions, has allowed the Vermont State Police, the State's largest sworn police force, to avoid laying off even a single uniformed police officer. But it will also help police departments hire new personnel in places like Burlington. The Burlington Police Department has continued to be a law enforcement innovator, not just in our State but nationally. For the first time, with these funds there is going to be a full-time mental health worker assigned to work with police on the street, help the uniformed police, and help decrease the need for them to provide mental health services.

We will have Lieutenant Kris Carlson, who heads the Vermont Internet Crimes Against Children Task Force, talk to us today. This unit, staffed by sophisticated and well-trained experts, would never have existed but for Federal assistance. It faced serious cutbacks, but the Recovery Act helped us not to have to make those cuts. And when you think of the crimes against children, every one of us—whether it is parents or grandparents—should be worried about crimes against the most vulnerable people in our society—our children.

I want to welcome Associate Attorney General Perrelli. Mr. Perrelli is already working hard to ensure that the law enforcement funding set out in the recovery legislation is put to the most effective use possible to keep our communities safe. Mr. Perrelli is no stranger to those of us on this Committee, and, of course, I am delighted to have him here.

Chief Flynn from Milwaukee has been outspoken in saying that only if we support effective police strategies can we ensure economic recovery.

And Mr. Mulhausen, whom I enjoyed meeting in January, I am glad to have you all back.

I will put my whole statement in the record.

[The prepared statement of Chairman Leahy appears as a submission for the record.]

Chairman LEAHY. Let me yield to my friend, the senior Republican on the Committee, Jeff Sessions.

STATEMENT OF HON. JEFF SESSIONS, A U.S. SENATOR FROM THE STATE OF ALABAMA

Senator SESSIONS. Thank you. Well, Ranking Member. I have got a few senior folks on the Committee to me, but, Mr. Chairman, it is great to work with you, and I think we have some potential to

do some real good here. I look forward to not only this hearing but, Mr. Perrelli, in working to help you utilize that money that Congress has given in the way most effective to reduce crime.

I think we do have an edging up of crime now. It is something that we need to watch. I think the murder rate maybe nationally is half what it was in the early 1980s, and so we have made some progress in a number of areas. Some cities have had dramatic drops in murder rates. I believe that punishment is an effective deterrent and also it incapacitates a very small number of people who are willing to kill, murder, rape, and rob. Not that many who will do that in their lifetime ever. But with regard to the $4 billion we have appropriated as part of the stimulus bill, it went quickly. It was a fast-moving bill. I am uneasy that if we are not careful, we will not get the crime-fighting bang for our buck that we would like to get. So I am worried about that.

I would just say, Mr. Chairman, serving as United States Attorney for 12 years and convening a law enforcement coordinating committee, the first time those had been ever established, and we had all our local sheriffs and chiefs of police, Federal agencies, and others meet to discuss our priorities, I have become a very, very strong believer in task forces, unity of effort, breaking down walls and barriers between departments, and we found time and time again that when you do that, the evidence appears that one department did not have and can lead to the identification of very serious criminal elements.

So I think of things like the Weed and Seed program that I personally believe worked far better than even I thought, and I was supportive of it; the drug courts, where we take people in who have a drug problem as part of their criminal problem, and we put them under intensive surveillance, drug testing as a condition of probation but give them a second chance. Those things work. And there are a lot of other programs that work.

We have a bottleneck, in my opinion, in forensic sciences. We are not getting quick enough feedback to our law enforcement police officers. If you double the number of police officers but do not increase their ability to get chemical analysis of drugs or fingerprints or blood type or DNA, then that whole system can be weakened.

I think the Federal role primarily should not be the funding and taking over of local law enforcement, but providing research, good information, and good Federal dollars that can help them work together in a partnership way to be more effective. So I look forward to this hearing, and thank you, Mr. Chairman, for the opportunity to share these thoughts.

Chairman LEAHY. Thank you.

Senator Kohl, you had asked to say a word.

STATEMENT OF SENATOR HERB KOHL, A U.S. SENATOR FROM THE STATE OF WISCONSIN

Senator KOHL. Thank you very much, Mr. Chairman. I appreciate your calling this hearing this morning on the importance of local law enforcement, and I particularly thank you for inviting one of Milwaukee's finest, Chief Edward Flynn of the Milwaukee Police Department, to testify.

I was on the airplane late yesterday afternoon with Chief Flynn, and I told him how much I was looking forward to his being with us this morning, and he stated very clearly that he was looking forward to it also. But as I was walking back to my seat after having visited with him on the airplane, I thought he seemed somewhat distracted, and I did not understand exactly whether or not there was another motive or another reason for his coming to Washington. And lo and behold, I hear this morning that Chief Flynn has a daughter who lives here in Washington, and last night his daughter gave birth to a baby. Is that right?

Chief FLYNN. That is right, Senator, and his middle name is the same as my first name.

Senator KOHL. Congratulations.

Chief FLYNN. Thank you.

Senator KOHL. We owe a great debt of gratitude to our law enforcement officials who work each and every day to keep our communities safe by preventing crime before it happens and enforcing the law when it does. We at the Federal level have a responsibility to provide them with the resources they need to be successful. I am pleased that the new administration has expressed a commitment to restoring much needed funding to our successful local law enforcement and prevention programs, and it is in that spirit that I am pleased to be here with you all today.

Chairman LEAHY. Thank you very much.

Mr. Perrelli, thank you. Welcome. I believe this is your first hearing, since you were sworn into your new position, before this Committee.

Mr. PERRELLI. That is correct, Senator.

Chairman LEAHY. Delighted to have you here. Is your microphone on?

Mr. PERRELLI. I think now it is.

Chairman LEAHY. There. Please go ahead, sir.

STATEMENT OF THOMAS PERRELLI, ASSOCIATE ATTORNEY GENERAL, U.S. DEPARTMENT OF JUSTICE, WASHINGTON, D.C.

Mr. PERRELLI. Mr. Chairman, Ranking Member Sessions and distinguished members of the Committee, thank you for the opportunity during National Police Week to discuss the Department of Justice's deep commitment to supporting and restoring its historic partnership with State, local, and tribal law enforcement.

Crime remains a central issue in communities across the country, but at the same time many law enforcement agencies face reductions in municipal and county budgets, and all State and local law enforcement authorities have added duties in the post-9/11 world. Now more than ever, it is essential to strengthen our partnerships with State, local, and tribal law enforcement through meetings and listening sessions. The Attorney General and the Department have begun that process.

I will talk a little bit about the Recovery Act and its funding, which a number of the Senators have already referenced. The Recovery Act provided more than $4 billion for State, local, and tribal law enforcement activities. The offices within the Department of Justice responsible for administering this funding—the Office of Justice Programs, OJP; the Office of Community-Oriented Policing

Services, the COPS office; and the Office on Violence Against Women—have been working, meeting with mayors, chiefs of police, sheriffs, city council members, and others to talk to them about the resources available and help them to apply.

OJP, which provides leadership in developing the Nation's capacity to prevent and control crime, is responsible for delivering more than $2.7 billion in Recovery Act grants. The lion's share of that funding, $2 billion, comes through the Byrne/JAG program, and I am happy to say that as of Monday, OJP had already announced $537 million in State and local Byrne and JAG awards.

The Recovery Act also provided $225 million for the Byrne Competitive Grant Program, and we will be looking at applications in that program that are evidence based, with a focus on community prevention initiatives. And I would note that one of the trends that we have seen in that program is the overwhelming number of applications from local law enforcement seeking funds for forensic analysts and for other civilian and technical experts to assist them in their law enforcement activities.

The Recovery Act also provides essential funding for the COPS office in the form of grants to create and preserve law enforcement officer positions with $1 billion through what we are calling the CHRP program, the COPS Hiring Recovery Program, which we believe will create or save approximately 5,500 law enforcement officer jobs, both stimulating the economy and putting more officers and deputies on patrol in neighborhoods across the country. That program has demonstrated to us the crying need in States and localities throughout the country. The COPS office received applications from over 7,200 enforcement agencies for $8.3 billion in requested funds, or more than enough to save more than 39,000 law enforcement officer jobs.

The third major initiative is through the Office of Violence Against Woman, where there are $225 million, both through the STOP Violence Against Women Formula Grant and Grants to Tribal Governments Program, which support the work of State, local, and tribal law enforcement in addressing domestic violence and sexual assault.

Turning a little bit to the 2010 budget, which the President announced last week, in that proposal the administration is requesting $2.6 billion for State and local law enforcement assistance. That funding will be used to establish and build on partnerships, hopefully to meet Senator Sessions' point of a unity of effort between the Federal Government and State and local law enforcement in areas such as violent crime, illegal drugs, gang activities, information sharing.

In addition to providing support through grants at the State, local, and tribal levels, it is critical that we support our new and innovative approaches to addressing crime with evidence. The administration believes that our approach to fighting crime, like other important issues of the day, should be backed by sound science.

At the Department we are following through on that commitment by working to integrate research from the field into our programmatic activities. In many cases, State and local authorities already have the knowledge, and it is a question of gathering it in

the right place, determining what are best practices, and spreading those to the field.

If our partnership with State, local, and tribal law enforcement is to endure, Federal financial support cannot be a one-time occurrence. The country is facing prolonged problems that require steadfast commitment and long-term cooperation. At the Department we are committed to restoring that partnership with State, local, and tribal authorities in every way that we can to address public safety.

Thank you for the opportunity to testify before the Committee, and I am pleased to answer any questions the Committee may have.

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

Chairman LEAHY. Well, thank you very much, and I think some of this you have covered. But I know when those of us who advocated for the $4 billion for State and local law enforcement—and as I mentioned earlier, it was the first hearing this Committee held this year on the need for that—we heard some criticism saying that, one, the State and local governments did not need this help, and another criticism, the Federal Government could not get it out or act quickly enough. But I understand that just 3 months later you have awarded $500 million already to State and local police.

What kind of response are you getting from them? Are they saying, gee, whiz, OK, or what? I am not trying to put words in your mouth. I am just curious.

Mr. PERRELLI. The Attorney General had a law enforcement summit in April, hearing from about 75 leaders in law enforcement nationwide, as well as in State and local communities. And the message was loud and clear that they were facing difficult budget pressure, that they very much needed the assistance of the Federal Government both to continue what they were doing as well to advance a number of long-term initiatives, such as information sharing, the joint task forces, dealing with gang initiatives in particular as well as illegal narcotics trafficking and crimes against children.

So we have seen both in those listening sessions with State and local law enforcement a tremendous desire to work together, certainly on the funding level but also to develop that unity of effort that Senator Sessions talked about.

Chairman LEAHY. It may be too early to tell, but are you getting any idea of how many jobs that were either created or saved because of this?

Mr. PERRELLI. We are estimating that once the COPS funding, which we hope will reach communities in late summer, early fall, we would estimate that that will create or save approximately 5,500 officer positions. In some of the other programs we are still trying to develop the appropriate metrics to measure job creation in that context, but we certainly know that those funds are very much needed by the communities to which they are going.

Chairman LEAHY. Just to kind of emphasize, most law enforcement matters tend to be pretty bipartisan or nonpartisan. I want to emphasize what Senator Sessions said about the joint task force and all, and I see this especially in a little State like the State of Vermont, with 640,000, 650,000 people. We stretch from the Canadian border down to the Massachusetts border, New Hampshire on

one side and New York on the other. We are near metropolitan areas where drug gangs and others think this is easy picking going into small towns where you have a small police force. They can move in there and, of course, it is young people especially that are hurt by it.

We have used the task forces very, very effectively in going after these people, I think to their surprise, and the Task Force on Child Predators, all these other things, I just mention that. I know you know it, but you will hear it from a lot of us up here, as Senator Sessions says, as I am saying, especially in small rural areas, the task forces can be very helpful. But many times they need the kind of funding that comes from your office to set them up, to organize them, especially at a time when you have—when you have such a strain on our State and local budgets. We have some very, very good men and women out there in law enforcement, but they need the wherewithal to put these kinds of programs together. Would you agree with that?

Mr. PERRELLI. I certainly would agree with that, and in the Recovery Act as well as in the President's 2010 budget, there are additional funds requested specifically for rural law enforcement programs, and the COPS program itself recognizes this by ensuring that money is distributed to large communities as well as smaller communities. I think that is important. But I think your fundamental point that the task force approach at the Federal, State, and local level is critical to controlling crime is the right one.

Chairman LEAHY. And I emphasize, we are not trying to set up either/or types of things. I do not in any way want to take from the problems that large cities have. A lot of cities are several times the population of my own State, and they have some very unique problems because of that.

You have in the Office of Justice Programs component parts, including the COPS office, billions of dollars in grants for State and local law enforcement to award. Incidentally, we keep talking about the COPS program. That is C–O–P–S for any of the people who may be watching this on C–SPAN or anywhere else. It is the name of the program.

What kind of plans do you have for awarding this grant money going forward? And what kind of programs do you expect to support?

Mr. PERRELLI. Through the COPS hiring program, that program is focused on the ability of funding local communities to hire individual officers, essentially 3 years' worth of funding with a guarantee from the local community that they will fund for an additional year thereafter. But there are other programs, particularly programs focused on protecting our children against child exploitation, programs that fund the schools and law enforcement working with schools to make schools safer environments, as well as a host of technical assistance efforts that the COPS office oversees, principally to help local communities, make them most effective, make their local police most effective by helping them find the right strategies and solutions.

Chairman LEAHY. Thank you.

Senator Sessions.

Senator SESSIONS. Thank you.

Mr. Perrelli, you are the Associate Attorney General, and in that position you are responsible for Office of Justice Programs and basically the policies of the Department with regard to State and local law enforcement?

Mr. PERRELLI. Under the Associate Attorney General, there is the Office of Justice Programs as well as the COPS office and the Office on Violence Against Women. Those are the primary grantmaking policy arms. That is correct.

Senator SESSIONS. And do you have the Bureau of Justice Statistics?

Mr. PERRELLI. The Bureau of Justice Statistics is within the Office of Justice Programs.

Senator SESSIONS. I will just share this with you. Fred Thompson had this idea—he was exactly correct—which he thought fundamentally the first thing the Federal Government should do, since we represent the whole of the United States and have a certain amount of money the local departments do not have, we could conduct research, analyze and study initiatives and programs that are out there that are working, and some that may not be working.

Do you feel like you are adequately doing that? Because when we spend $4 billion, we want to be sure it goes to the most effective programs to reduce crime and make our citizens safer.

Mr. PERRELLI. Well, Senator, I think you are exactly right that we need to get the most bang for our buck in this context, as in, frankly, everything that we do. The Recovery Act is special in many respects, but one way is that it requires increased reporting, increased transparency, and increased accountability, and we are trying to take every step that we can to try and make sure that we are using money efficiently.

On the front end, one of the things that we are doing differently than in the past is we are actually working with the Inspector General at the beginning in designing some of these programs. We are developing responses to requests for information that we get, so that there is no uncertainty or as little uncertainty as we can provide about what the programs are, what they can be used for, what they cannot be used for, and how the funds should be used.

Senator SESSIONS. Can any of the money be used for anything other than law enforcement officers? Can it be used, for example, for forensic scientists? I am finding from what I hear that is a bit bottleneck in the system. You have all the police officers catching drug dealers and investigating murders and rapes, but they cannot get their DNA or their chemical analysis done. Is any of that money available for them?

Mr. PERRELLI. Well, Senator, you have echoed what we hear from State and local law enforcement all the time. The COPS program itself is for hiring sworn officers. What we see is States and localities applying through the Byrne Competitive Grant Program, which has over $200 million in the stimulus package, and we have seen thousands—I think north of 3,000 applications for civilian personnel, many of them the kinds of forensic analysts that you have described. And know that has clearly been demonstrated to us through this as a tremendous need in State and local law enforcement authorities.

Senator SESSIONS. Now, if an agency or a department applies—and why wouldn't they apply? Every good sheriff and police chief wants to do more in their community, and they have every incentive to try to get a free officer funded by the Federal Government. Are you able to analyze their proposals for how that will be used and set criteria to ensure that there is a furtherance of a proven initiative that would help reduce crime? How do you decide which departments get officers and which do not?

Mr. PERRELLI. Sure. In the COPS program, there are essentially three sets of criteria: economic criteria—this is under the COPS Recovery Program—economic criteria, crime factors, so related to the crime rate in the individual community, and then their demonstrated commitment to community policing. And each application is being evaluated on an individual basis using those criteria, and the effort is to look at need, both in terms of how economically impacted that community may be in recent times, longer term, the crime rates, and then what they have done and what they have committed to do in terms of the kinds of preventive strategies and creative strategies.

Senator SESSIONS. Have you been able to have the time to think through the possibility of placing other additional criteria on the receipt of these grants that you think would further law enforcement? Or are you operating basically on the statutory requirements that Congress has given you? How much discretion do you have in terms of policymaking with regard to the money that you distribute?

Mr. PERRELLI. We are operating under the statutory criteria, recognizing the Recovery Act's focus on economic development, the COPS office's traditional focus on crime factors as well as the community policing. Certainly within that there will be an evaluation of particular programs. There are factors like consulting with the U.S. Attorney to find out is there actually a problem with a particular department that would suggest that they are not the best department to fund; or history, has this department not done a good job in the past, or has this department done an extraordinarily good job in the past. So those which may not be precisely statutory factors certainly come into play.

Senator SESSIONS. Well, Mr. Chairman, my time has run, and we will have—there are some critics of the proposal, as you know. It has not accomplished what we would like it to accomplish in some areas, for sure. And I think you should not hesitate to ask us, and I am sure the Chairman, if you make some recommendations as to how to make it better, maybe we can get some laws done that will help you.

Thank you.

Mr. PERRELLI. Thank you, Senator Sessions.

Chairman LEAHY. Thank you. Thank you, Mr. Perrelli.

Senator Kohl.

Senator KOHL. Thank you, Mr. Chairman.

Mr. Perrelli, while your focus here today is local law enforcement support, juvenile crime prevention and rehabilitation efforts play a big role in reducing crime rates. The Juvenile Justice and Delinquency Prevention Act has played a key role in successful State and local efforts to reduce juvenile crime and get kids back on

track after they have run-ins with the law. Positive intervention and treatment at an early stage, we have learned, can prevent further violent behavior and steer young people in the right direction before it is too late. In addition, some studies have shown that for every dollar that we spend on prevention, we save $3 or $4 in costs that are attributable to juvenile crime.

Senators Leahy, Specter, myself, and others recently introduced legislation to make important improvements to juvenile justice programs. Can we count on your strong support in reauthorizing and strengthening JJDPA?

Mr. PERRELLI. Senator, I think we have been very strong supporters of OJJDP and the juvenile justice programs that it has worked on over many years, and I think the focus of all of our efforts has really been three-pronged—which is prevention, enforcement, and then trying to work on issues such as re-entry and reducing recidivism. So we would very much like to work with you on OJJDP reauthorization.

Senator KOHL. Mr. Perrelli, we cannot underestimate the value of working to keep young people from getting in trouble in the first place. Title V is the only Federal program solely dedicated to juvenile crime prevention. Sadly, funding for the Title V juvenile crime prevention programs has been on a steady decline. Last year, Title V received only $64 million for the entire country. That was down from $95 million in 2002.

We know that our local communities can leverage this funding to accomplish great things, but the fact that a successful and critically important program like Title V receives so little funding is deeply troubling.

This year, the President has committed $65 million to Title V juvenile crime prevention. Now, is $65 million to make up for years of inadequate support? And is it sufficient in and of itself?

Mr. PERRELLI. Well, Senator, the $65 million is what the President has chosen to request in this area. I think it has to be seen in the context of both the funding requested through the Recovery Act as well as in the fiscal year 2010 budget, a series of programs, including funding of, for example—additional funding, for example, of the Second Chance Act, which will hopefully work on re-entry issues, both for adult and juvenile populations, and hopefully address some of the concerns that you have raised, albeit through other programs.

Senator KOHL. Philosophically, Mr. Perrelli, why do you think there is such a wide difference of opinion between those like yourself who really believe that the Federal Government can provide assistance to local governments with respect to local law enforcement and juvenile crime prevention programs and those who do not believe that it does much good at all? I am sure you have thought about it a lot. You have some respect, I am sure, if not considerable, for opposing points of view. Why do we have such a deep divergence here?

Mr. PERRELLI. I certainly come from the perspective that we are all going to be more effective if we are pulling the oars in the same direction, and that means partnership is critical. And I think the Federal Government plays an important role as one law enforcement agency working with other law enforcement agencies, but

also in funding programs that can allow State, local, tribal, and Federal law enforcement to work together.

Everything that I have seen both in experience and talking to law enforcement officers, such as you will see on the next panel, law enforcement officers in my family who have been on a COPS grant and have spoken about how significant they thought that was and how effective it was. And I think all the research suggests that where we operate with this unity of purpose, unity of effort, we are going to accomplish more, and that is certainly true in the juvenile justice area.

Senator KOHL. But why do some disagree so strongly?

Mr. PERRELLI. I understand the argument that law enforcement, including in the area of juvenile justice, is a local function and the argument that the Federal Government should not necessarily be involved. But I guess my sense is that it is the officer walking the beat who is going to be the first person to—is going to be the first responder, is going to be the person who may well find out that a bank robbery is occurring before any Federal agent becomes involved, is as or more likely to be the person who is going to get a tip that may lead to an investigation related to terrorism-related crime.

There is no substitute for the people on the ground in local communities who know their communities, and that has a tremendous impact on crime prevention and law enforcement across the board.

Senator KOHL. [Presiding.] Thank you very much, Mr. Perrelli. Thank you, Mr. Chairman.

Senator Klobuchar.

Senator KLOBUCHAR. Thank you very much, Senator, and thank you, Mr. Perrelli, for joining us today as well as Chief Flynn and Lieutenant Carlson—Chief Flynn from our neighboring State of Wisconsin. It is a very good topic today. I can tell you I was sitting here thinking about the change the COPS program made in the county where I was a chief prosecutor, Hennepin County. We went from, in the mid–1990s where the New York Times dubbed Minneapolis "Murder-apolis," to a very low crime rate, and you can literally trace it with that COPS funding.

I was listening to your answers to Senator Kohl about the reasons and the need for this funding with tips for major crimes and other Federal investigations. I would also add just having those police on the beat makes a huge difference for the community because crimes are not committed when those police are out on the best.

And I would add what Chief Flynn said in his written testimony, that also when you have a safer neighborhood, you have a stronger economy, which was why I was such a strong believer that we needed that COPS funding in the stimulus package, in the economic recovery package. I was glad it was there. We also pushed not to have a local matching grant, which we thought would be very difficult to do in these hard times.

My question, I think, first of all, is as you look at the COPS program in the Department of Justice now, are you looking at those local matching grants, if you think there should be changes made to those to make it easier for local communities to get the grants? It may not be the percentage change. It may be other things.

Mr. PERRELLI. Well, in both the Recovery Act and in the 2010 budget, the President's 2010 budget, the local match has been removed, and we have certainly seen it is one factor in why so many communities have applied for funding through the COPS program. It removed an impediment that many State and local law enforcement officials told us was a significant issue, a significant problem that prevented them from participating in the program.

So I think we are interested to see how the program progresses, but we have found that it has been a helpful development.

Senator KLOBUCHAR. And are there other changes you think that could be made with funding for the program or how the funds are given out?

Mr. PERRELLI. I think at this point we want to see how the Recovery Act progresses. We are going to get an enormous amount of very recent data soon, and we may be able to formulate some legislative proposals, and I think at this point we do not have anything based on the evidence to suggest.

Senator KLOBUCHAR. I have talked about this before with you and others in the Justice Department. I just see this tremendous pressure being pushed down on local law enforcement. You first have the economy, which can lead to more crime; you know, the statistics are different in different places. But mostly you are having these enormous white-collar investigations in the Department of Justice and in the U.S. Attorneys' Offices across the country. We have a major one, I think the biggest one we have ever had, going on in Minnesota right now. I was on the plane yesterday reading the Vanity Fair article about the Bernie Madoff case from the perspective of his secretary. It made me think a lot about all the resources going in. They described all of the FBI agents and everyone else looking at all those documents. And all of that is getting pushed down.

Now, I remember when I was in after 9/11, when the U.S. Attorneys' Offices were understandably focusing on that, and now they are focusing on white-collar, and there will be cases coming out of the TARP funds and cases coming out of some of the stimulus money, corruption cases coming out of that.

Do you believe that you are going to see more push on local law enforcement having to do with million-dollar embezzlement cases and those kinds of things that cannot be handled by the U.S. Attorneys' Offices?

Mr. PERRELLI. Well, I think it is certainly true that the pressure on local law enforcement is extraordinary right now, both because of the economy and other demands, as you discussed.

One of the things that we have focused on is recognizing that through the stimulus program, we need to help work with State and local authorities so that they can recognize when there may be fraud or there may be waste or other problems, and working with them to help them be able to serve that function, because they will frequently be on the front lines and be able to work with, take a leading role in working with Federal authorities and making sure that money is spent appropriately.

Senator KLOBUCHAR. You also have the $225 million Byrne Competitive Grant program. We have a drug court in our county that we made some changes to, I believe to make it better, in the last

few years. Do you plan on suggesting the expanding of drug courts? Do you see community prosecution as a viable way to go? I know that is something that was talked a lot about. In fact, Attorney General Holder used community prosecution when he was the U.S. Attorney in D.C. Could you just comment briefly—I am almost running out of time—on those two programs?

Mr. PERRELLI. I think both those programs, which are, I think, creative solutions, good ways to address all the prongs that we talked about—prevention, enforcement, and re-entry—I think are all areas where we are looking, and certainly they have a lot of interest in funding specialized courts like drug courts and have sought some additional funds in the 2010 budget for that.

Senator KLOBUCHAR. OK. Thank you very much.

Mr. PERRELLI. Thank you.

Chairman LEAHY. Thank you.

Senator Kaufman.

Senator KAUFMAN. Thank you, Mr. Chairman.

Obviously, we are all very, very concerned about the COPS program. It is an incredibly successful program, an incredibly important program. Can you kind of go through the timing—I know you have said it is going to be June—and why it has taken so long to get it actually done?

Mr. PERRELLI. Certainly. So we received all the applications, and we received roughly 8 times as many applications as we will be able to fund. So the number of applications I think has astounded everyone.

The process going forward has been working with States and localities to confirm data, certain numbers, making certain that we have all the information we need, and then we need to go through a process of evaluating all those applications. And it is a very significant number.

We are trying to avoid overpromising, and that is one reason why I think we wanted to have people's expectations be set that late summer, early fall is the appropriate time. But, you know, we are essentially trying to do both grant funding of 2009 plus the Recovery Act grant funding, all in a very compressed window.

Senator KAUFMAN. And what kind of things are you doing to make sure that these—or are you ever concerned about making sure these are geographically distributed across the country? Is that one of your considerations?

Mr. PERRELLI. The statute itself that created the COPS program requires that kind of dispersion, so that essentially at least, I believe, a half a percent of the overall funds will go to each State, and then money is divided up among large localities and small localities. So the program itself is designed to ensure that the money is dispersed in an appropriate fashion.

Senator KAUFMAN. Do you think the non-supplanting provisions of the COPS program act as a surplus multiplier? Or do you think they lead to the inefficient use of resources?

Mr. PERRELLI. We are working very hard to make certain that the non-supplantation requirement is complied with and that State and local law enforcement officials understand what that requirement is and how to comply with it.

We do not want local law enforcement to plan to get a COPS grant and reduce their budget accordingly. That is not an appropriate use of the funds, and we have been very clear about that.

I think our hope is that it does turn out to be a force multiplier. Our experience in the past is that it has been so, and we are making every effort to make sure that it is again.

Senator KAUFMAN. When do you think the Byrne grant decisions will be made?

Mr. PERRELLI. We have already announced more than $500 million in Byrne/JAG recipients for the formula grants, and we will be rolling out the remainder of that $1.9 billion in the coming weeks.

The Byrne competitive grants will take longer as we evaluate what has been, again, a historic number of applications, literally thousands of applications for forensic and other technical, non-officer positions, as well as other programs. We are expecting certainly that by September 30th,—but we are in the midst of evaluating that since those proposals have just come in.

Senator KAUFMAN. I understand in your earlier testimony and questions you talked about the efficacy of the COPS program. Could you kind of go through the Byrne, ICAC, and STOP programs in terms of what you feel about the efficacy for those?

Mr. PERRELLI. Certainly. I think we are finding that certainly the Byrne/JAG program has been a cornerstone of State and local law enforcement for years, and I think our experience has been and certainly the experience provided to us by State and local governments is that it is essential to them.

The Internet Crimes Against Children is a little bit newer, but I think as we know, the Internet has no bounds, and it reaches into every community in America, and there is literally nothing—we should spare no expense in trying to address those crimes, prevent them, and bring people to justice when it occurs.

I think our sense is that those task forces are being effective through terrific cooperation with State and local authorities, and also in conjunction with programs such as Senator Sessions mentioned, Weed and Seed and other programs that take a comprehensive approach to dealing with criminal justice issues.

Senator KAUFMAN. I want to tell you, the ICAC program is a wonderful, wonderful program. I want to say what you said before, but clearly we are instituting in Delaware, but just around the country the reports have been incredible, and what a wonderful thing to be able to do to deal with this incredibly difficult problem. So I really—the ICAC especially, these are all good programs, the ICAC especially.

Thank you, Mr. Chairman.

Chairman LEAHY. Thank you very much.

Senator Sessions.

Senator SESSIONS. I guess I will just say, Mr. Perrelli, that you sort of are the point man for the administration, and you are spending a number of billions of dollars to try to assist local law enforcement where fundamentally law enforcement occurs. It is at the local level. Ninety percent of law enforcement officers are probably State and local. Is that about right?

Mr. PERRELLI. I am not sure of the number, but that would not surprise me.

Senator SESSIONS. Yes, and they are out there every day, and we want to assist them in doing their job better. And I do believe the Federal Government is the repository and should continue to gather highly valuable studies on what programs work and what programs do not work. And I want to pledge to you, if you have ideas that you would like to shift some of the money that may be going one way to a more effective program another way, we can do some testing and evaluating. And so when a local department decides on policy, they meet and decide they are going to do community policing or they are going to do a drug court, they will have statistical data they can rely on of the highest quality.

I guess my question is: Do you feel that responsibility? Is that your fundamental responsibility to recommend that to your superiors? And can we count on you to make sure that we are moving the resources to the most productive areas?

Mr. PERRELLI. You can, Senator. I agree with you 100 percent that we need to—however much money we spend, there is only a limited amount of money. We need to use it most effectively, and the only way we are going to be able to determine that is if we use evidence and sound science and research to determine that.

Senator SESSIONS. Thank you, Mr. Chairman.

Chairman LEAHY. Thank you.

Mr. Perrelli, thank you. You may want to talk to Chief Flynn's family with a new child. I know what it is like in your family, trying to get sleep during the night. If it is any consolation, those of us who are parents know what that is like.

Mr. PERRELLI. Thank you, Senator. I would not trade it for the world.

Chairman LEAHY. I know you would not. Thank you very, very much.

Chairman LEAHY. Now, if Lieutenant Carlson, Chief Flynn, and David Muhlhausen could come up, please.

Our first witness, Lieutenant Kris Carlson is currently a patrol supervisor for the Burlington Police Department. He is a 9-year veteran of the department, currently also serves as commander of the Vermont Internet Crimes Against Children Task Force. Lieutenant Carlson has also worked in the Chittenden unit for special investigations where he investigated hundreds of cases of sexual assault, child exploitation, child abuse, and child fatalities. Lieutenant Carlson earned his bachelor's degree in legal studies in criminology from the University of Massachusetts-Amherst and a master's degree in criminal justice from the University of Massachusetts-Lowell.

Lieutenant Carlson, please go ahead. As always, it is great to see you.

STATEMENT OF KRISTIAN CARLSON, LIEUTENANT, BURLINGTON POLICE DEPARTMENT, BURLINGTON, VERMONT

Mr. CARLSON. Good morning, Mr. Chairman, thank you very much for having me here, and members of the Committee. My name is Kristian Carlson. I am currently a lieutenant with the Burlington, Vermont, Police Department. I have also served as a member of the Internet Crimes Against Children Task Force for the past 9 years in numerous capacities, most currently as com-

mander. I am honored to be here this morning to discuss the impact of Federal stimulus funding via the Vermont Internet Crimes Against Children Task Force Recovery Act grant. This funding will have a direct impact on the citizens of the State of Vermont and will enable us to save jobs associated with the Vermont ICAC that would have otherwise been lost.

Since our inception we have observed unprecedented growth in the use of the Internet and digital devices by those who seek to exploit our children. Although the population of Vermont is one of the smallest in the United States, the ratio of crimes against children facilitated by technology is on par with national averages, a dark cloud in stark contrast to the picturesque and serene backdrop of the Green Mountains. These problems are not unique to Vermont, however, as currently there are 59 ICAC task forces operating in each State working against similar forces.

Since we began investigating computer-facilitated child exploitation in 1998, as a State and a Nation we have observed a substantial increase in the number, type, and scope of offenses committed utilizing digital technology and the Internet. We have also identified the evidentiary value of digital devices in offenses ranging from graffiti to drugs to homicide, including some of the most horrific—those targeting our children and families.

We have watched as our children have grown up in an age of technological wonder and observed our youngest generation master new technologies that we could only have imagined.

With ever expanding technology, the proliferation of digital devices that continue to shrink in size while rising in capability and with the overwhelming use of cellular telephones and handheld devices, our children are more at risk than they have ever been as those who seek to hurt our children have similarly mastered the same technologies. The resulting impact has been increased demand on local and State law enforcement agencies that lack the training and expertise to engage in these complex investigations and deal with intimidating amounts and scope of digital evidence. In turn, agencies across Vermont have come to rely on the specially trained and experienced members of the Internet Crimes Against Children Task Force.

As previously noted, the Vermont ICAC has worked closely with Federal, State, and local agencies in Vermont and the region to investigate computer-facilitated child exploitation. The importance of this effort has been best exemplified in the following high-profile investigation:

On June 25, 2008, 12-year-old Brooke Bennett disappeared from tranquil Brookfield, Vermont. The circumstances surrounding Brooke's peculiar disappearance led to the issuance of Vermont's first Amber Alert and immediately garnered national media attention. The Vermont ICAC became involved in the investigation immediately to assist in locating Brooke and to develop information regarding her disappearance. This assistance included digital forensic examiners responding to crime scenes, on-site forensic analysis, seizure of digital evidence, and investigation of Brooke's use of various Internet sites, including the popular social networking site MySpace. The information developed by the Vermont ICAC quickly focused the investigation on Brooke's uncle, Michael

Jacques, and was integral in determining that Brooke was not missing but had, in fact, been murdered. This investigation led to a six-count Federal indictment charging Jacques with the kidnapping of Brooke resulting in her death and the production and possession of child pornography.

These cases serve to highlight how prolific these offenders are, how wide-ranging these investigations can be, and how vital the Vermont ICAC has become.

The Internet Crimes Against Children Task Force stimulus funding is being utilized to support our operations by maintaining our current staffing and increasing our overall capacity statewide. The funding will be utilized to directly support the employment of current members of the Vermont ICAC employed by the Burlington Police Department to include a digital forensic examiner and two investigators.

Recovery Act funding will also be used to maintain the current contingent of full and part-time personnel hired by the Vermont ICAC during the previous grant cycle. This funding will support four forensic examiners, one digital forensic technician, and one law enforcement investigator. These positions were created through funding via the ICAC operational grant, the purpose of which was to assist in our overall investigative, forensic, and technical assistance endeavors and to allay the overall backlog of investigations and forensic examinations that continue to mount.

Without the funding through the Recovery Act Internet Crimes Against Children Task Force grant, support of current positions would not be possible, and they would be terminated. This would have a devastating impact on our ability to support Vermont law enforcement and serve the citizens of Vermont.

In summary, Recovery Act grant funding for the Vermont ICAC will assist us in sustaining our operations to prevent, interdict, investigate, and prosecute those who exploit our children by allowing us to maintain and expand our staff of trained investigators to investigate offenses and conduct proactive investigations; maintain and expand our staff of digital forensic examiners to conduct a high number of examinations and reduce the backlog of current cases; to work closely with our Federal and State prosecutors to ensure swift and certain punishment of apprehended offenders; and, in my opinion, most importantly, to maintain and expand our current program of educational outreach to parents, youths, and schools through instruction in the art of Internet and online safety.

In closing, I would like to thank you, Mr. Chairman, and distinguished Senators for taking testimony on this important set of issues and for your continued leadership and support and assistance on law enforcement matters in Vermont and across our Nation.

Thank you.

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

Chairman LEAHY. I would also note, Lieutenant, that the Director of the FBI even came by your office to praise all those who worked on the Internet Crimes Against Children Task Force. I was very proud to bring him around and introduce him to everybody there.

Mr. CARLSON. He did. That was an amazing visit. Thank you.

Chairman LEAHY. He still talks about it.

Chief Edward Flynn was appointed Chief of Police for the Milwaukee Police Department in January 2008. As Chief, he oversees 2,000 officers and 700 civilians. Prior to his time in Milwaukee, Chief Flynn served as the Chief of Police in Springfield, Massachusetts, and Arlington, Virginia, as well as serving as the Massachusetts Secretary of Public Safety under then-Governor Mitt Romney. Chief Flynn is a member of the Board of Directors of the Police Executive Research Forum, serves on the Executive Committee of the International Association of Chiefs of Police. He holds a bachelor's degree in history from LaSalle University and a master's degree in criminal justice from John Jay College of Criminal Justice. He also graduated from the FBI National Academy and was a National Institute of Justice Pickett Fellow at Harvard's Kennedy School of Government.

I notice, Chief, both you and Lieutenant Carlson, what a change it was from my days in law enforcement to see now so much of the advanced degrees of officers. Don't you agree with that, Senator Sessions.

Senator SESSIONS. Yes, it is remarkable.

Chairman LEAHY. It is remarkable, and for those of us who served in law enforcement years ago, I think we would both agree it is a great change.

Chief, please go ahead.

STATEMENT OF EDWARD A. FLYNN, CHIEF, MILWAUKEE POLICE DEPARTMENT, MILWAUKEE, WISCONSIN

Chief FLYNN. Well, thank you, sir. You have copies of my remarks, so I will not read them to you. But I will note the following: As I look at the hash marks on my left sleeve, they not only remind me how old I am, but I can trace in them really the history of American policing over the last nearly 40 years. And as you reference education in policing, I can remember that when I was in college, it was reading the publication of the President's Commission on Law Enforcement and the Administration of Justice, "The Challenge of Crime in a Free Society," that drew me from college to police work. And it was because of the law enforcement education program that I got my master's degree. And the generation of police officers educated in the early 1970s who got their bachelor's degrees and master's degrees under that program became the generation of police leaders, myself among them, who were both advocates and disciples for community-oriented and problem-solving policing. And we proudly presided over an era in which there were dramatic decreases in crime and violence in America's cities, with positive outcomes for all to see.

One of the points I want to make as we look at the anticipated reinvestment in American policing and criminal justice is the fact for the last number of years—and I certainly knew this firsthand as Secretary of Public Safety in Massachusetts—we presided over a disinvestment in American policing, for understandable but, I sincerely felt at the time and expressed myself so, wrongheaded reasons. Gradually, homeland security became the monster that ate criminal justice. And during my years as safety secretary in

Massachusetts, I basically saw Byrne and Justice Assistance Grants and COPS grants funding disappear while we bought Tyvek suits and command vehicles and all manner of first responder gear, and we lost the lessons of community-based policing, which is that police connected to neighborhoods learn things about those neighborhoods that cannot be learned any other way.

When I was the police chief in Arlington, Virginia, I had the privilege on that great and terrible day of September 11th of leading the police recovery efforts at the Pentagon. One of the terrorists who was on Flight 77, Hani Hanjour, had received a speeding citation from my police department only a couple of months before. All of these individuals at some point in time were embedded in communities that, if connected to policing, we might conceivably have learned about. Certainly we know that now.

So as we look at the lessons of community policing, they apply in many ways, not just to law enforcement but to anti-terrorism. But there is something else very important about quality police work and quality investments in law enforcement, and that is that I honestly believe that if we are thinking in terms of economic stimulus and how that affects investments in law enforcement, the most cost-effective form of economic stimulus in the central cities of America is public safety.

There is no doubt in my mind that crime causes poverty. Crime and the fear of crime close down stores. When warehouses are investing too much money in burglar alarms and floodlights and barbed wire, when small stores have been robbed or burgled or shoplifted, they close and take with them entry-level jobs and after-school jobs.

When a city gets a reputation for violence, it not only affects its poor neighborhoods, it affects its central city. Sadly, every time a drug dealer shoots a drug dealer, somebody decides not to go to the opera or not to go to the ball game or not to go to the shopping center in the central city.

I firmly believe that we have an obligation to every citizen in this country to ensure their public safety and that their public safety should not be dependent upon their zip code. And when we live in a country that is proud of its home rule, the fact is that many tax bases have moved away from the cities and left behind extremely vulnerable populations. And one of the things they are vulnerable to is violence.

When we control violence, we change the narrative of the city. And if anybody doubts that, just remember when you went to Times Square, New York, in the 1970s, as I did, and stepped over people sleeping in the subways, had your windshield cleaned dirtily by a squeegee man, and were propositioned by a prostitute. Go to Times Square today, and it is Disneyland North, and that is directly related not only to the control of crime, but the reduction of fear and the resultant reinvestment in a central city because people felt that their investment was safe there.

Every poor city I have ever worked in—and that would include Chelsea and Springfield, certainly sections of Milwaukee—when a developer came to the city, he only asked one question: Is it safe? They did not ask about the school system, public works, or any

other aspect of local government. They wanted to know if their investment would be safe.

My point here is that economic stimulus money invested in law enforcement is, in fact, economic stimulus money. If we can control crime, we can stir reinvestment in our cities.

[The prepared statement of Chief Flynn appears as a submission for the record.]

Chairman LEAHY. Thank you very much, Chief, and I appreciate your testimony, coming as it does from practical experience, not just from an abstract view of it.

Chief FLYNN. I just have one real quick question. I heard that there were numerous applications for the COPS grants. I am wondering if you have to be here to win.

[Laughter.]

Mr. PERRELLI. It cannot hurt.

Chairman LEAHY. There is the guy to talk to, right behind you. He is the one I go to.

Our next witness is David Muhlhausen. He is a Senior Policy Analyst at the Heritage Foundation Center for Data Analysis. Dr. Muhlhausen has testified before Congress on several previous occasions about the law enforcement grant program, including before this Committee, particularly the COPS program. He received a Ph.D. in public policy from the University of Maryland Baltimore County, a bachelor's degree in political science and justice studies from Frostburg State. He is also currently an adjunct professor of public policy at George Mason University.

Dr. Muhlhausen, welcome back. Please go ahead, sir.

STATEMENT OF DAVID B. MUHLHAUSEN, PH.D., SENIOR POLICY ANALYST, CENTER FOR DATA ANALYSIS, THE HERITAGE FOUNDATION, WASHINGTON, D.C.

Mr. MUHLHAUSEN. Thank you. Glad to be back.

Again, my name is David Muhlhausen. I am Senior Policy Analyst in the Center for Data Analysis at The Heritage Foundation. I thank Chairman Patrick Leahy, Ranking Member Sessions, and Senator Kohl, and also the rest of the Committee for the opportunity to testify today. The views I express in this testimony are my own and should not be construed as representing any official position of The Heritage Foundation.

Instead of passing legislation designed to stimulate the economy, Congress treated the American Recovery and Reinvestment Act as a political Christmas tree to be filled with goodies for special interest groups. Congress allocated $2 billion for the Byrne/Justice Assistance Grant Program and $1 billion for the Office of Community-Oriented Policing Services. Both of these grant programs subsidize the routine activities of local law enforcement and rarely, if ever, fund activities that are the responsibility of the Federal Government.

My spoken testimony will focus on three points:

First, Byrne and COPS grants do virtually nothing to stimulate the economy. These grants do not fund the types of activities that would provide a stimulus or a shock to the economy. Further, these grants do not elevate economic productivity or promote technological advancement—two important ingredients for economic

growth. Funding for these programs has been either taxed or borrowed out of the private sector. This transfer of money out of the private sector and into inefficient hands of the Government is unlikely to stimulate the economy.

After passage, the stimulus act requires Byrne and COPS grants be rapidly spent in 90- and 30-day time periods. The Congressional Budget Office's analysis of the act has foreseen some of the complications created by Federal transfers to local governments. The CBO acknowledges that in an environment in which rapid spending is a significant goal, State and local governments that received stimulus grants might apply some of the funding to activities they would have carried out anyway, thus lowering the long-run economic return of those grants.

More importantly, the CBO estimates that the long-run impact of the stimulus act will be increased debt that will crowd out private investment. We note recently the news reporting that our national debt for this year is now going to be an estimated $1.8 trillion. That is four times the debt of last year. This act is estimated to reduce the Nation's long-term economic output.

Second, Congress encourages local officials to shift accountability for funding departments toward the Federal Government. During the Committee's last hearing on this issue, we heard testimony that local governments did not have enough money to adequately fund their police departments. Given that public safety is the primary responsibility of State and local governments, then these governments should seriously reconsider their budget priorities. If budget shortfalls exist, then funding should be cut from less important services.

Some local governments have recognized that accepting Federal grants can create fiscal problems down the road. For example, Scottsdale, Arizona, turned down over $225,000 in Byrne funding. Council members worried that accepting the money would create overhead that would burden future city budgets. They also were concerned that the city would be accepting the money just for the sake of spending it.

In North Carolina, the Lenoir County Sheriff's Office decided against applying for COPS grants due to concerns about the budgetary hole the grant would create after funding ran out.

Third, COPS has an extensive track record of poor performance. The Heritage Foundation evaluation of COPS grants using data from 1990 to 1999 for 58 large cities found that the grants had little to no effect on crime. The hiring grants failed to have a statistically measurable impact on murder, rape, burglary, assault, larceny, and auto theft rates. Although the hiring grants were associated with a slight decrease in robberies, the meager effect suggests that additional funding would do little to reduce crime.

In addition, the evaluation found that COPS grants were used to supplant local police spending. This finding is supported by multiple audits conducted by the Justice Department's Office of Inspector General.

In conclusion, the addition of Byrne and COPS grants in the stimulus act is precisely the wrong approach to accomplish an economic recovery.

Thank you.

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

Chairman LEAHY. Thank you very much.

Lieutenant Carlson, you mentioned in your testimony that the Vermont Internet Crimes Against Children Task Force was facing cuts before funding in the stimulus package. What kind of cuts were you facing before the stimulus package?

Mr. CARLSON. We were able to hire a number of positions during the last operational grant for forensic analysts—four forensic attorneys, a law enforcement investigator—that were being funded through our operational grant. Given the status of our operational grant currently, there would be no way for us to maintain those positions.

Chairman LEAHY. Is there any other similar type unit in Vermont that could have picked up the slack?

Mr. CARLSON. There are none, no, sir. And, you know, this is one of those areas that I think we referenced earlier regarding forensics. When I say forensics, we are referring to digital forensics, so any devices that are used really for any offense, and obviously we focus on child exploitation cases. But the collateral benefit to the folks in our unit is that they have the training and experience to look into devices that might be used in other types of offenses as well, as I said, from graffiti to homicide.

Chairman LEAHY. So with the money you have, you will be able to keep those positions now.

Mr. CARLSON. Yes, we will be able to keep those positions and be maintaining our current staff as we have it right now and maintain our current operations.

Chairman LEAHY. I think it is because of your unique role, actually the one place in the State, which is why the FBI Director came and toured your operation, including the computer forensic lab.

As a Vermonter, I might say just as a personal aside, I was very proud to bring Bob Mueller over there. I think that he was impressed that a State as small as ours could do that. But I think he also understood that it could do it only because it was there for the whole State.

Mr. CARLSON. Yes. And at this point, we have become heavily relied upon by most of the law enforcement organizations across Vermont, to include its largest, the Vermont State Police, for our expertise in investigating Internet-related offenses, computer offenses, and, of course, as I mentioned, our digital forensic capacity.

Chairman LEAHY. Chief Flynn, you alluded to this in your testimony. You have advocated these funds not only to support State and local police but how they affect law enforcement and what it does to the area economically.

Tell me again, stress again why it is you feel money spent on law enforcement has an effect for economic stimulus beyond the obvious, just hiring jobs for law enforcement.

Chief FLYNN. I think it needs to be understood as you watched the cycle of decay and decline of America's cities in the 1960s and 1970s and early 1980s, what you saw was a cycle driven not primarily by the economy but primarily by crime and the fear of crime. Those cities that experienced the most urban decay in terms of riots or spikes in crimes, starting in the 1960s, lost their middle

class. And no city can successfully succeed without a middle and working class. When people abandon their cities, they not only take their tax base with them, they take with them social capital. They take with them leadership capacity. And the vacancies that were left behind, the vacuums that were left behind, were proven over and over again in places like Newark and Detroit. I was born in Newark. You know, the Newark of the 1970s was not the Newark that I was born in. Its middle class abandoned it, and it abandoned it because of fear of crime.

Now, it has been shown in cities that have made significant strides in crime reduction that economic activity will gradually return. When we look at Milwaukee, we have got significant pockets of poverty. We have a 24-percent poverty rate. That is in the top ten of America. And in the neighborhoods that have the worst poverty, they have the least economic opportunity because of the abandonment of many of their shopping districts of the stores that held those neighborhoods together.

You know, when warehouses and factories close because their cars are getting broken into, they not only leave a gaping hole in our property tax, they abandon those people who could easily get to work there. People in a central city do not have access to the kind of mass transit that will get them out to some suburb to work.

So we see the cities are already well situated physically. The challenge is can they change their reputation, and I think we can. And when we do change that reputation, we get an upsurge in downtown activity, not just a fighting chance to restore some activity or a challenged neighborhood. Remember, those are the same neighborhoods to which a generation of criminals that we locked up in the late 1990s are now returning, and they are returning to neighborhoods that do not have the jobs to support them. And I think that return is part of what is challenging our street crime rate right now as we try to hold the line.

Chairman LEAHY. And so, Dr. Muhlhausen, you have written extensively on this, and I heard your testimony. Do you believe the Federal Government should never support State and local law enforcement through the Byrne and COPS programs?

Mr. MUHLHAUSEN. Well, I think, first off, the COPS program basically subsidizes salaries of police officers, and that is not an appropriate Federal function.

Chairman LEAHY. So you do not think the Federal Government should support State and local law enforcement?

Mr. MUHLHAUSEN. Well, I think there are areas that, in the sense of information sharing and coordination, setting up DNA databases, helping out with task forces that address interstate issues and not intrastate issues, I think the Federal Government can do a lot to help out, helping States and law enforcement coordinate activities across the country. But paying for a local officer to walk the beat in his hometown is not an appropriate function of the Federal Government.

Chairman LEAHY. My time is up, and I am going to turn the gavel over to Senator Kohl, but I would yield first, of course, to Senator Sessions.

Senator SESSIONS. Thank you, Chairman Leahy.

This is a good discussion. Chief Flynn, let me say that I think you are right that crime does create poverty. It can result in an abandonment of whole neighborhoods. And in the past, police have abandoned those neighborhoods. Sometimes they have had hostile receptions there, and they have just backed off. And what we have learned, wouldn't you agree, from community-oriented policing is that good police officers in any neighborhood will be welcomed and can actually play a role in improving that neighborhood's safety and financial strength?

Chief FLYNN. Absolutely. There is no doubt, in the early years of my police career, that police were often the flashpoint for racial discord in the central city, and virtually every major urban disturbance of the late 1960s and early 1970s was, in fact, caused by a police action.

We have seen extraordinary strides in the cementing of positive neighborhood and police relations because now the police are in there problem solving and working with people in those neighborhoods to create safety.

Senator SESSIONS. I could not agree more. In Mobile, I was involved with Chief Harold Johnson, who came out of the Detroit Police Department, an African American leader committed to community-oriented policing. And it really turned the whole relationship between the people and the police. Crime was improved, and we did a Weed and Seed program together with the mayor, with the chief, with the Federal agencies that worked remarkably in a whole neighborhood that had been taken over by crime. So I know that can be done. We wanted Federal money to do it, but we did not make the cut for the Weed and Seed.

And I will just say, Mr. Muhlhausen, it was accomplished without Federal money. Later on we got some Federal money. But basically it was utilizing the existing police, the existing city's ability to crack down on people who let their houses fall in and will not pick the garbage up, and all of those things that go to creating a healthy environment.

Dr. Muhlhausen, I would just say that you made some very valuable points. I know people do not like to talk about it, but I am not convinced that just providing bodies, small numbers of police bodies and certain selected few departments who are fortunate enough to win the lottery is necessarily an effective crime-fighting technique.

What I would say, Mr. Flynn and Lieutenant Carlson, is that the key to it is effective policing, not so much the numbers. Now, wouldn't you agree, Chief Flynn, that it was changing of tactics in New York City under Rudy Giuliani and his team and others, the broken windows and other ideas, that they promoted not just the number of police officers but the effective deployment of those by imaginative leadership that really made the progress in transforming New York City.

Chief FLYNN. They did the best of both worlds, Senator. On the one hand, they really did enhance their management accountability systems, which was critical. But the New York City Police Department did increase from 28,000 to 40,000 over those years. So I would say it was a combination of good management, but also ex-

traordinary resources that enabled them to really drive crime down.

Senator SESSIONS. And wouldn't you agree that a lot of departments have large numbers of police officers that are not being effectively utilized and that very effective strategies can help any Department improve its productivity, and if they are not doing that, they are wasting taxpayers' money?

Chief FLYNN. I think strategy connected to good data analysis will always do a better job for you than no strategy at all. But certainly having people in the public spaces of our most violent neighborhoods where they are visible and available goes a long way toward driving down fear as well as crime.

Senator SESSIONS. I understand that. I understand that. You and I understand each other. You are a professional, and I have been at it for a long number of years, too. So more police officers will not necessarily help anybody do a better job.

Chief FLYNN. Not by itself, sir.

Senator SESSIONS. But you do have to have the mix.

With regard to the task force on Internet and child exploitation, I think those kinds of activities work, Lieutenant Carlson. I have seen it. I believe in it. People need to have—the average police officer does not have access to that. You need a specialized group that can support a whole area.

Are you supporting more than just your area, the whole State?

Mr. CARLSON. We are currently supporting the entire State of Vermont. We have investigations that range from border to border on any given week or month. So we offer our services to anyone that needs it.

Senator SESSIONS. Now, do you expect that the—did the Federal Government grant money help you create this capacity and create the computer systems you needed and the personnel you needed to get this program started?

Mr. CARLSON. From day one, we have been funded through Federal grant funds and have created our entire structure.

Senator SESSIONS. You would expect that every city and every State of America to have all these task forces fully funded by the Federal Government?

Mr. CARLSON. I am sorry?

Senator SESSIONS. Would you expect that every city and county in America would have the Federal Government fund those kinds of task forces?

Mr. CARLSON. Currently, there are 59 throughout the United States, and I think the goal is—so that not every city and State has a funded task force, but there are regional task forces that can assist larger and broader areas and create that inter-jurisdictional cooperation that we were speaking about earlier.

Senator SESSIONS. Well, I just know that every department, every sizable department has people that specialize in sexual abuse of children. They are doing the right thing, and if we help them create these systems that work, each one of those existing officers can be supported and be a lot more effective. Don't you agree with that?

Mr. CARLSON. Absolutely, and one of the roles of the task force is just that, is training, is that we go out and we train officers from

across the State of Vermont to, at the very least, engage in a lower-level type of investigation where they are able to respond to crime scenes that have digital evidence. They can do basic lower-level, patrol-officer-level forensic examinations onsite if needed.

So we are actually providing that, and we are giving officers throughout the State of Vermont the skills that they need to at least initiate these investigations from the ground. And then if we need to come in later on for more complex investigations or for investigative support, we are also there for that as well.

Senator SESSIONS. Excellent.

Senator KOHL. [Presiding.] Thank you very much, Senator Sessions.

Chief Flynn, for many years, we have been asking law enforcement to do more with less, and so our ability to fight crime has been undermined as a result. With the recent increased support in the 2009 omnibus appropriations act as well as the stimulus bill, what must law enforcement officials do to ensure taxpayers that the money, the resources that we are now putting out there to be used by local law enforcement, what can you do to assure us that the money will be used effectively?

Chief FLYNN. I think that is a very important question, Senator, and I think one of the challenges that Senator Sessions raises is the accountability issue, which is, Are we properly accounting for our use of public assets.

We have certainly committed ourselves in the Milwaukee Police Department to being proper stewards of public assets, and we have a track record in this last year of carefully managing those assets that the city provides us. And we have even managed to curtail our overtime because we have carefully examined our existing business practices in order to create maximum efficiencies, because we recognize that every dollar we save is a dollar we can apply to good law enforcement.

So I think it is important that there be strings attached, if you will, to this money and that there be accountability. And I think we ought to be audited as to how we spend this money. And if we can draw a nexus between our investments in local capacity and an impact on crime and on fear and on disorder, I believe we can do all three.

We have certainly worked very hard in this last year and a half in Milwaukee to be a data-driven police department that manages itself by its metrics. It is constantly aware of the changing crime environment. But we also recognize that there is a felt need on the streets of Milwaukee for a visible, stable police presence. And one must keep in mind in central cities that I wish we could spend all of our time fighting crime. If we could, we could have even a more dramatic impact. But we are the social service agency of first resort for the poor, and even in our busiest, most crime-ridden neighborhoods, the police department is spending 80 percent of its time helping people in crisis, be they the mentally ill, the drug-addicted, the alcohol-addicted, dysfunctional families, problems with youth, child abuse—all manner of disputes, disturbances, and car accidents. The police department is heavily committed to those duties and tasks.

And so, consequently, it is a challenge for us to identify preventive policing resources, and that is why COPS grants money is so important to us. It allows us to make an extra investment in those police resources so we can provide that foot patrol, so we can provide that bicycle patrol, so we can provide that stable presence in public spaces from which people draw strength and courage and begin to use their neighborhoods.

You know, our challenge is to create neighborhoods that can sustain civic life, and we do that through the thoughtful application not just of crime attack strategies, if you will, but by problem solving and neighborhood stabilization.

Keep in mind a very important point. The essence of General Petraeus' strategy in Iraq was not defeating the terrorists militarily. It was providing public safety in the cities. He recognized that no society can flourish, commercially or politically, without a base sense of public safety. And I would offer to all of you that that truism is just as true in our central cities as it is in Mosul and Baghdad. Our challenge is to restore that sense of stability and safety to our challenged neighborhoods so they can recover politically and economically.

Senator KOHL. Chief Flynn, while the focus here today is primarily on local law enforcement programs, juvenile crime prevention and rehab efforts play a big role in reducing crime rates, as you know. The Juvenile Justice and Delinquency Prevention Act has played a key role in successful State and local efforts to reduce juvenile crime and get our young people back on track after they have had run-ins with the law.

What role do your officers play within the juvenile justice system and the programs that are out there to help lead our young people away from getting involved in criminal activity?

Chief FLYNN. Well, I am not only proudly a police chief, but proudly a member of the Executive Board of Fight Crime, Invest in Kids, which you probably know of because they are a nonpartisan, public education group made up of police chiefs, prosecutors, and crime victims who make the point to inform Congress that research has demonstrated time and again that investments in young people can prevent crime longitudinally, whether it is investments in things like Head Start or early child care or investments in after-school activities.

Milwaukee is heavily invested in a program known as Safe and Sound, which is a network of locations where young people can go after school, whether they are homework clubs or Boys and Girls Clubs or YMCA-based leadership activities, to have alternatives to the street, because our young people are at risk as victims as well as potential criminals, and most of the trouble that young people get into is after school closes and before their parents get home from work. And our challenge is to provide them healthy opportunities that keep them out of harm's way.

I think judicious and thoughtful investments in juvenile justice systems as well as juvenile programming goes a long way toward preventing crime committed by juveniles, and just as importantly, preventing crime committed upon juveniles, because the peer group is always the group that is most victimized by other young people.

Senator KOHL. How has that Safe and Sound program worked?

Chief FLYNN. I think it is terrific. You know, our officers are very engaged with it. It is a very powerful network of service providers in the city who have a wide array of opportunities for young people to participate in events after school. You know, everybody is not a basketball player, and so it is a challenge to provide a variety of activities that young people can benefit from in a safe environment. And I think it has been a very important component of our continued success in Milwaukee in controlling crime.

Senator KOHL. Thank you.

Senator Sessions.

Senator SESSIONS. Thank you, Mr. Chairman.

With regard to juvenile crime, having been a United States Attorney for a long time, I am well aware of the Federal idea that juvenile crime is a local matter and there is almost no arrest of juvenile crimes—and, Chief, you have probably seen it. If there is a Federal investigation and juveniles get arrested, they usually ask the State and local people to take them because the Feds do not have a juvenile detention center; they do not have the system set up with counselors and the kinds of things that we use for juveniles. That is just sort of, Senator Kohl, one of the things that has happened over the years. It is probably good. So strengthening the State and local juvenile system is an important thing for the country.

Just briefly, Chief Flynn, how big is your Milwaukee department? How many officers do you have?

Chief FLYNN. Two thousand sworn officers, and the population I think is about 605,000.

Senator SESSIONS. And how many officers do you have on your team?

Chief FLYNN. Well, you know, obviously we have not hired anybody with universal hiring grant money in probably about 8 years, but Milwaukee hired, I believe, 80 officers from that program who became part of our table of organization.

Senator SESSIONS. Over the years?

Chief FLYNN. Yes.

Senator SESSIONS. So over, I guess, 10 years or so, you hired 80 out of 2,000. So that is not the breakthrough numbers that I think we might understand the COPS program to be.

Now, Dr. Muhlhausen, let me ask you to just state for the record—one of the criticisms of COPS was that several departments—I see one you mentioned, one in Mount Desert, Maine, rejected a grant, because you have to commit to keep this officer on the payroll, right? Isn't that the commitment, that a police department, if you get a COPS program they pay for 3 years, and then the city or the sheriff is supposed to pay that salary permanently and not reduce the other personnel in the office to pay for it, right?

Mr. MUHLHAUSEN. Yes.

Senator SESSIONS. Now, what is the criticism with regard to the faithfulness of the cities who got these police officers in following through on their commitment to maintain this as a permanent increase to the Department? Do you have any numbers on that?

Mr. MUHLHAUSEN. Well, I think the Inspector General found that abuse was widely just rampant among police departments with COPS grants. What happened was many agencies, they would hire

a police officer through the COPS program while they were actually downsizing. Newark, New Jersey, and Camden, New Jersey, were recently in the news for—they are actually now being held accountable for their abuse during the 1990s.

Other police departments—Atlanta—did not hire the number of officers it claimed. Then there was Seattle, did not hire the number of officers it was supposed to.

There was a survey done by the National Institute of Justice that found that police departments that received COPS grants to hire additional officers, the majority of them did not know how they were going to retain the officers in the future.

So I think that sets up a scenario where, once you get a COPS grant, the fund just for the basic routine services that local governments are supposed to provide anyways, when that grant runs out, they turn around, and whose fault is it that they have to let go of the police officer? It is not the local government is not living up to the grant. It is the Federal Government because they are not continuing to fund the program.

So now I think we have a lot of pressure now where we want to turn the COPS program into a permanent subsidy for State and local law enforcement.

Senator SESSIONS. Well, there is a lot of truth to that. I am just telling you. I know my police departments, and everybody does, and you take any money you can get. They are shortchanged by their counties and city budgets, and they are frustrated. And if they can get Federal money, it is a big asset to them, and they want it, and they are going to get it. The question is: Is this the best way and has it proven to be as effective as we would like it to be to enhance law enforcement?

This has been passed. It is going to be out there, and I think all of us just need to do—as the Chief said, make sure we use every dollar as wisely as we can.

Thank you, Mr. Chairman.

Senator KOHL. Thank you, Senator Sessions.

Senator Feingold.

Senator FEINGOLD. Thank you, Mr. Chairman, for chairing the hearing, and, of course, just like you, I want to extend a special welcome to Chief Flynn of the Milwaukee Police Department. I had the opportunity to meet with the Chief a couple of months ago, and I was very impressed by the innovative ideas he has brought to the Milwaukee Police Department that have resulted in great strides toward lowering the crime rate in that city. So I welcome you.

I am a long-time supporter and defender of Federal assistance to State and local law enforcement, as you know, in particular the Byrne/Justice Assistance Grants and the COPS grants. It is a partnership between the Federal Government and the State and local governments to provide adequate funding, and it is especially important now, when State and local agencies are being tasked with homeland security responsibilities in addition to their law enforcement responsibilities, when, of course, as we know certainly in our State, and I know in many other States, State revenue sources are greatly threatened, diminished by the recession.

I am pleased that funding to support the available services that State and local law enforcement provide after being slashed repeat-

edly by the previous administration were provided in the economic stimulus package that Congress passed this year, and now this money has begun to make its way to State and local agencies across the country. It is important that Congress continue to stay informed of the situation on the ground and provide assistance where necessary and appropriate.

And so, with that, I would like to really just ask the Chief from Milwaukee to answer one question. What would you say have been the most important factors that contributed to the dramatic decrease in violent crime that you have overseen in Milwaukee in the past year? And do you face special challenges in trying to continue to reduce crime during this economic downturn?

Chief FLYNN. I think we have had—I have benefited by an interlocking combination of circumstances. Number 1, I arrived to a police department that was nearly fully staffed. The mayor had made a major commitment within existing resources to keep the numbers of Milwaukee police officers up to its table of organization level, which was remarkable.

With that resource and with the commitment to data-driven policing that we developed in our first several months there, and a commitment to neighborhoods, those interlocking combinations of community connection, data-driven analysis to deploy our resources, and adequate resources have allowed us to have a dramatic impact on crime.

Last year, we reduced homicides by 32 percent, but within that number is a more profound number. The number of African American men between the ages of 15 and 29 murdered in 2008 was 65 percent lower than it was in 2007, from 54 to 19, and that was a relentless focus on our crime hot spots, our gang areas, our open-air drug dealing, trying to break up the retaliatory cycle of violence. That takes people. That takes a commitment to getting officers in public spaces. And I sincerely believe it borders on the disingenuous to cite places like Newark and Camden that have been urban blast zones in terms of poverty, unemployment, urban degradation, destruction of the local tax base, and then, like Captain Renault in "Casablanca," be "Shocked, shocked," to find out that the city has used COPS office hiring instead of local assets. They did not have any money, and they had extraordinary crime.

Now, I am not here to defend bad practices, but I have also been a police officer a very long time and have seen an extraordinary amount of inner-city violence. And it is highly concentrated in those cities that have the worst tax bases. Surprise, surprise. What is America's responsibility to its citizens? If you have the accident of birth to be born in Newark, does that mean you deserve to get shot, but if you get born in Summit, New Jersey, you deserve to be safe? It is absurd. All right?

The safety challenges of American cities are not uniform across the country, and the only agency of government in a position to assist American cities at high risk of violence and American citizens at high risk of violence is to provide local government assistance. I am looking at a city right now that has got a $40 million operating budget deficit right now as we speak. Why? Because the stock market collapsed with the employee pensions, and by charter, we have to fund it at 100 percent. Now, that $40 million has to come

out of an operating budget. That is going to put pressure on police and on firefightings and on roads and on every other such thing.

And so as I am applying for COPS money, trying to hold onto the officers I have and prudently expand the numbers we have, I know I am going to be challenged going forward to continue to provide a safe environment for our citizens. And because of that, I certainly welcome the renewed interest in the U.S. Government in the safety of its local government citizens.

Senator FEINGOLD. Well, Mr. Chairman, I would have been pleased and proud to hear that answer from anyone in law enforcement, but I am particularly proud that the Chief of our largest city would be able to articulate that in such an eloquent and effective way.

Thank you, Mr. Chairman.

Senator KOHL. Thank you very much, Senator Feingold.

Gentlemen, you have done a great job. I think the panel has been stimulating and informative—some degree of disagreement here, which is also always healthy in trying to get at some of the essentials. So we appreciate your being here, and we at this time dismiss the panel.

[Whereupon, at 11:42 a.m., the Committee was adjourned.]

[Questions and answers and submissions for the record follow.]

QUESTIONS AND ANSWERS

Follow-up Questions of Senator Tom Coburn, M.D.
"Helping State and Local Law Enforcement"
United States Senate Committee on the Judiciary
May 12, 2009

Questions for David Muhlhausen

1. In your opinion, why will programs such as COPS and Byrne NOT stimulate the economy?

    a. Is there any way that these programs, which received $5.3 billion for FY 2009, will "pay for themselves" or otherwise provide revenue to the Treasury equal to their cost?

Answer
Programs COPS and Byrne grants are unlikely to stimulate the economy because there is little evidence to suggest that these program pay for themselves. These programs certainly do not provide revenue to the Treasury equal to their cost. The funding for the American Recovery and Reinvestment Act (ARRA) is borrowed out of the private sector.

First, this transfer of money out of the private sector is unlikely to be spent efficiently by the public sector. Instead of allocating resources to their highest valued use, as in the private sector, public sector allocation of resources is based on political considerations.[1] Thus, any economic benefits resulting from public sector spending will almost certainly be less than the economic benefits that would have ensued if the funding was left in the private sector.[2]

Second, government spending and budget deficits crowd out private spending, especially private investment spending that would have elevated productivity and promoted technical advancement.[3] Federal subsidies for police officer salaries and other local criminal justice activities do not raise economic productivity, nor bring about technological innovations. Increased productivity and technological innovations are key ingredients of economic growth. Consequently, this inefficient transfer of money out of the private sector is unlikely to stimulate the economy.

The Congressional Budget Office (CBO) estimates that the long-run impact of the ARRA will be increased debt that will "crowd out" private investment.[4] After 2014, the American Recovery and Reinvestment Act is estimated to reduce the nation's economic output. The short-term political gains of the ARRA are not worth the long-term debt costs that are a drag on the nation's economy.

If the proponents of COPS and Byrne JAG grant programs are really correct that the activities funded by these programs stimulate the economy and "pay for themselves," then state and local governments would be willing to borrow money or issue bonds to make "investments" in the routine operations of police departments. For example, if

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paying for the salaries of police officers stimulated the economy and "paid for themselves," then local governments would be willing to borrow money and pay interest on the loans to finance officer salaries. The short term benefits of paying for officer salaries through loans would be expected to outweigh the cost of the long-term debt incurred by the loans. However, recognizing that these activities do not "pay for themselves" by stimulating the economy, state and local governments do not take out loans to pay for the routine operations of law enforcement.

2. You mention in your testimony that several state and local governments have refused to accept stimulus funds for Byrne or COPS programs. What is the predominant reason for this rejection?

    a. How have these governments made up for lack of federal funding?
    b. Have these governments reported any significant increase in crime or other major problems directly due to lack of federal funding?

Answer

From reports in the press, the main reason for turning down COPS and Byrne JAG grants by local governments is the concern over financing the long-term fiscal impact of the grants. Instead of accepting federal funding, these governments have decided to live within their means by reprioritizing their budgets. For example, one of the proposed "stimulus" projects before the Scottsdale, Arizona city council was the purchase of a $227,000 mobile police surveillance tower. Instead of using a Byrne JAG grant to purchase the tower, Scottsdale decided to make the purchase using the city's capital improvement budget.[5]

Even in some places, the acceptance of federal grants only delays budgetary problems. During his visit to Columbus, Ohio on March 6, 2009, President Barack Obama touted that COPS funding in American Recovery and Reinvestment Act saved the jobs of 75 Columbus, Ohio police recruits who recently received pink slips. Speaking to the recruits and the media, President Obama said, "There is no longer any doubt you will be employed as officers of the law when you leave here today."[6] Less than three months later, the job security of the recruits is now in question. Unless Columbus voters approve a tax increase, the recruits, who thought their jobs were saved by President Obama, may now be laid-off at the end of the year.[7]

To the best of my knowledge, none of the local governments that refused grant funding have experienced increased crime.

3. Do you believe there should be a state matching component in the COPS grants? Why or why not?

    a. Once the federal government begins providing funds to state and local governments via grants such as Byrne and COPS, without requiring a state match, does that actually incentivize a state or local government to retain programs funded by these grants if the federal government withdraws its funding in the

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future? Please explain.

A state matching requirement for COPS and Byrne JAG grants will make state governments stakeholders in grant-funded programs. A partnership between federal, state, and local governments will likely lead to increased accountability. By bringing state governments into the partnership, state governments will have an interest in making sure the grant funds are put to effective use and not wasted. Due to their close proximity, state governments are uniquely situated to practice oversight and monitoring of grant-funding programs. The federal government, located far away in Washington, D.C., is not well positioned to practice effective oversight and monitoring. In addition, state government involvement may increase the likelihood of the grant-funded programs being continued after federal subsidies expire.

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[1] Gerald W. Scully, "The Size of the State, Economic Growth and the Efficient Utilization of National Resources," *Public Choice*, Vol. 63, No. 2 (1989), pp. 149-164.
[2] *Ibid.*
[3] Burton A. Abrams, "The Effect of Government Size on the Unemployment Rate," *Public Choice*, Vol. 99 (1999), pp. 395–401. Abrams notes that "In theory, it is possible for government spending to be allocated into growth enhancing infrastructure and education but in practice most outlays go for redistribution or government-mandated consumption which does not improve productivity" (p. 395).
[4] Douglas W. Elmendorf, "Estimated Macroeconomic Impacts of H.R. 1 as Passed by the House and by the Senate," Letter to the Honorable Judd Gregg, Congressional Budget Office, February 11, 2009, p. 2, at *http://www.cbo.gov/ftpdocs/99xx/doc9987/Gregg_Year-by-Year_Stimulus.pdf* (June 3, 2009).
[5] Lynh Bui, "Scottsdale Turns Down Stimulus Funds," *The Arizona Republic*, April 23, 2009.
[6] Michael A. Fletcher, "In Ohio, Obama Calls for 'Bold Action' to Revive Economy," Washington Post, March 6, 2009, at , http://voices.washingtonpost.com/44/2009/03/06/in_ohio_obama_calls_for_bold_a.html (June 1, 2009).
[7] CNN, "Police Officers Saved by Stimulus May Still Lose Jobs," March 26, 2009, at http://www.cnn.com/2009/POLITICS/05/26/ohio.stimulus.police.cuts (June 1, 2009).

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U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

June 23, 2009

The Honorable Patrick J. Leahy
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

Please find enclosed a response to questions arising from the appearance of Thomas J. Perrelli before the Committee on May 12, 2009, at a hearing titled, "Helping State and Local Law Enforcement".

We hope that this information is of assistance to the Committee. Please do not hesitate to call upon us if we may be of additional assistance. The Office of Management and Budget has advised us that from the perspective of the Administration's program, there is no objection to submission of this letter.

Sincerely,

Ronald Weich
Assistant Attorney General

cc: The Honorable Jeff Sessions
Ranking Member

"Helping State and Local Law Enforcement"

May 12, 2009

Questions for the Hearing Record
for
Thomas J. Perrelli
Associate Attorney General
United States Department of Justice

QUESTIONS FOR THE RECORD FROM SENATOR COBURN

1. **You indicated in your testimony that $537 million of the Byrne JAG funds have already been awarded.**

   a. **Were any of these funds distributed competitively? Why or why not?**

RESPONSE:

The $537 million of Byrne/JAG funds I referenced in my testimony was not distributed competitively because it was part of the $2 billion of "formula" money distributed to state and local governments according to a statutorily formula-based program involving population and crime statistics (See, 42 U.S.C. § 3755). The Office of Justice Programs (OJP) is also administering a $225 million Byrne Competitive Grant Program. Byrne Competitive Grants are similar to Byrne JAG in that they are focused on ensuring job growth and job retention. However, instead of providing grants based on a formula, the Department of Justice (the Department) administers these funds based on a competitive application process. These grants help state, local and tribal communities improve the capacity of local justice systems and may be used for national efforts such as training and technical assistance.

   b. **When will the remaining Byrne funds be distributed? Will any of the funds be awarded competitively?**

RESPONSE:

OJP expects to have all Byrne JAG formula awards announced by August 2009. OJP expects to have all Edward Byrne Competitive Grant awards announced by September 2009.

   c. **What is the status of the COPS funds that were authorized under the American Recovery and Reinvestment Act?**

RESPONSE:

Applications for the Community Oriented Policing Services (COPS) Hiring Recovery Program (CHRP) are now under active review at the COPS Office. During the CHRP solicitation period, the COPS Office received 7,272 applications. These applications total $8.3

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billion in requested funds and request more than 39,000 sworn law enforcement positions. These requests far exceed the $1 billion in funding available under CHRP, and with no cap on officer salary or local match requirement, COPS will only be able to fund a small portion of the officer and deputy positions requested.

Since the April 14, 2009 application deadline, the COPS Office has been actively reviewing the data submitted in each application. In some cases, COPS has reached out to applicant agencies to verify information provided in their applications. COPS has contacted more than 1,700 agencies to validate their data, and in total the COPS Office reviewed over 275,000 individual data points. If an agency was not contacted by COPS during this phase of the work, that simply means that upon initial review by COPS staff, no further probing was required for the application. This data verification process, though time consuming, is very important because it ensures that all applicants will be evaluated based on each agency's economic, crime, and community policing data, reported on a consistent basis.

Now that the work described above is complete, the COPS Office is moving quickly to the next phase of the process, which includes in-depth budget request reviews and evaluating the retention requirement information and other aspects of the application. In preparing a final CHRP award list, COPS will look at the total number of sworn positions being requested by each agency and determine how best to allocate the funds available. The COPS Office will complete all this work and make awards no later than September 30, 2009, and likely sooner.

d. Will these grants be awarded competitively?

RESPONSE:

Yes, CHRP is a competitive grant program that provides funding directly to law enforcement agencies having primary law enforcement authority to create and preserve jobs and to increase their community policing capacity and crime-prevention efforts. All applicants will be evaluated based on economic, crime, and community policing data.

2. What type of reporting or accountability mechanisms does the Justice Department have in place to ensure that funds distributed via Byrne and COPS grants are not misused by grantees?

RESPONSE:

Both OJP and COPS conduct extensive programmatic and financial monitoring of their grants and grant programs and are committed to monitoring a substantial portion of the American Recovery and Reinvestment Act (Recovery Act) grant funds during the life of Recovery Act programs.

Further, the Office of the Inspector General (OIG) conducts independent investigations, audits, inspections, and special reviews of Department personnel and programs to detect and deter waste, fraud, abuse, and misconduct, and to promote integrity, economy, efficiency, and effectiveness in Department operations.

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In ways never done before, both OJP and COPS have worked closely with the OIG throughout the Recovery Act grant pre-award phase and have taken affirmative measures to reduce the risk of waste, fraud, and abuse with Recovery Act funds. For example, a representative from the OIG Fraud Detection Office has trained over 570 OJP grant management staff on grant fraud detection techniques in April and May of 2009. In addition, OJP has incorporated OIG-suggested best practices for grant management into its Recovery Act Performance and Risk Management Plan and has posted a link to the OIG and OIG documents on its Recovery Act web page.

a. Will the DOJ provide reports to Congress on how and to whom the Department awards funds? Why or why not?

RESPONSE:

Yes, the Department will provide reports relating to both programs. OJP provides an annual report to Congress on all OJP programs. OJP will prepare the Fiscal Year (FY) 2009 report at the conclusion of the fiscal year, which will include all OJP funding awarded under the Recovery Act.

Pursuant to the 21st Century Department of Justice Appropriations Authorization Act, P.L. 107-273, the COPS Office provides an annual report to Congress on all COPS grants. COPS will prepare the FY 2009 report at the conclusion of the fiscal year, which will include all funding awarded under CHRP. Each annual report includes information on every grant, cooperative agreement or programmatic services contract awarded during each fiscal year by the COPS Office. The COPS Annual Report to Congress includes the term of the award, the dollar amount, a description of the grant, the name of the grantee, a list of every unsuccessful applicant, the description of the grant for which they applied, and the reason the applicants were unsuccessful. In addition, the report requires any grants over $5 million that were closed out in the prior fiscal year provide more detailed reports. In addition, the COPS Office also adds a glossary of grant programs administered in that fiscal year.

b. In awarding grants via either of these programs, if the Department makes an award to a prior grant recipient, does the Justice Department take into consideration whether the grantee used the funds appropriately in the past? If not, why not?

RESPONSE:

Yes, both OJP and COPS monitor whether prior recipients continue to qualify to receive grants.

OJP takes into consideration whether grantees have appropriately managed past grant award funding prior to making new grant awards. Pursuant to the requirements of 28 C.F.R. § 66.12 or 28 C.F.R. § 70.14, OJP maintains a high-risk grantee list. Prior to making new grant awards to high-risk grantees, OJP determines whether additional special conditions and oversight

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may be needed based on the grantees' designated level of risk, including whether the grantee used the funds appropriately in the past.

In addition to audits by the OIG, COPS has a comprehensive grant monitoring process which provides serious consequences for misuse of grant funds. This is particularly important regarding Recovery Act funds. There are 26 agencies across the country that are currently barred from receiving CHRP funding because of previous violations. OIG audited 18 of these agencies. Each agency went through an audit resolution process, all had various compliance violations, and most were found to owe money to the government. When these agencies demonstrated that they could not pay back the funds, COPS and the OIG resolved these audits by barring these agencies from receiving future COPS funding for a set period of time based on the amount of funding owed or the type of violation. The bar period is a maximum of three years.

In addition to the oversight OIG provides, agencies found to be in violation of the COPS retention requirement may be barred from receiving future grant awards. Those agencies that did not qualify for a retention exemption based on severe fiscal distress were barred for three years in accordance with the COPS retention policy. Eight of the agencies had violations that were identified after going through COPS comprehensive grant monitoring processes.

c. Are there any other factors the Department will consider before awarding these grants?

RESPONSE:

Yes. OJP may take into consideration any number of factors aside from the results of the competitive process. These factors may include past grantee performance, geographic diversity of the awards, the strategic goals and needs of the awarding agency, underserved populations, and other factors. Whenever these factors are applied, they are discussed and documented in the award justifications.

COPS will conduct a thorough internal review process where CHRP applications will be scored based on local economic indicators, crime rates and the applicant's local community policing plan. The COPS Office has an external vetting process as well, including all United States Attorney's Offices and the Department's Civil Rights Division, Criminal Division, OJP's Office for Civil Rights, and OIG's Investigations Division. These components are asked to identify any ongoing investigations or other matters that could make it inappropriate or inadvisable for the COPS Office to make a grant award to a particular agency.

The COPS Office is also comparing the list of CHRP applicants to OJP's tiered list of "high" risk grantees and working with OJP to obtain further information on those applicants that appear on OJP's top two risk tiers.

d. Does the Department have standards in place by which it will monitor whether these grants have stimulated or otherwise had a positive effect on the economy?

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RESPONSE:

Yes. OJP is awaiting final guidance from the Office of Management and Budget on specific requirements for collecting and tracking grantee performance data for Recovery Act-funded projects and programs. However, OJP has notified all applicants that performance data specific to the number of jobs created and retained with Recovery Act funding must be collected and submitted as a condition of the grant award. In addition, OJP posted guidance for grantees on JAG performance measures and is prepared to collect Recovery Act specific performance measurement data on a quarterly basis.

OJP is also in the process of updating its grant monitoring guidelines to include an enhanced emphasis on reviewing the validity of grantees' performance measurement collection and aggregation processes.

Finally, OJP will conduct program assessments of Recovery Act grants and grant programs. Through the program assessment function, OJP will verify, report on, and analyze grantee and grant program performance data specific to the effect of grant funding on job creation and retention.

Grant monitoring and evaluation are also critical aspects of all COPS grant programs. The COPS Office has a progress reporting system that will be used to document grantees' use of funds. Recipients of CHRP grant awards are required to use grant funds for the specific hiring categories awarded and maintain documentation pertinent to the officers hired/rehired with CHRP grant funding.

The Recovery Act requires grantees to report their financial and programmatic progress within 10 days after the end of each calendar quarter. The COPS Office plans to request information from grantees consistent with Section 1512 of the Recovery Act, including collecting information on the number of new jobs created and the number of jobs preserved using CHRP funding.

The COPS Office is currently updating its grant monitoring strategy for CHRP, and is also working with the OJP's Office of Assessment, Audit, and Management to ensure implementation of a consistent grants monitoring approach across the Department.

In addition, the COPS Office will use the following measures to track the program's progress against achievement of Recovery Act and program-specific objectives. The COPS Director will be accountable for each of these measures.

- *Number of new jobs created (number of newly hired sworn officer positions).* A newly hired sworn officer is an additional career law enforcement officer hired using Recovery Act funds. This officer is over and above the number of officer positions that a grantee would otherwise fund or redeploy in the absence of the CHRP grant award. This outcome will be measured quarterly.

- *Number of jobs preserved (number of rehired sworn officer positions).*

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A rehired sworn officer is either an already laid-off career law enforcement officer that is being rehired with Recovery Act funds or an officer that is scheduled to be laid off, but will not be, due to a CHRP grant award. This outcome will be measured quarterly.

- *Average community policing capacity implementation rating (0 to 100) of CHRP grantees.*
  One of the key measures COPS Office management will use to evaluate the program is the average community policing capacity implementation rating of CHRP grantees. COPS management has asked an independent research firm to conduct a survey to determine how COPS grants have increased grantee agencies' capacity to implement community policing strategies. Each survey will produce a rating, which will be on a scale of 0 to 100 points, with 100 being the most favorable rating. Grantees will be asked to answer questions related to how CHRP grants have increased their agency's capacity to implement community policing strategies with regard to the three primary elements of community policing: (1) developing community/law enforcement partnerships, (2) problem-solving, and (3) organizational change. This outcome will be measured on an annual basis.

In addition to preserving and/or creating jobs, CHRP will increase the community policing capacity and crime-prevention efforts of the law enforcement agencies funded. CHRP funded officers and deputies will use the principles of community policing to enhance public safety and increase the quality of life in the communities they serve. Specifically, they will partner with neighborhood, civic and business organizations, schools, and other government agencies to build trust with community members, solve crimes, and prevent victimization. COPS funding and community policing principles have proven effective in achieving these goals.

In its final report on the effectiveness of COPS Office grants, the GAO found that COPS funding resulted in significant increases in the number of sworn officers and produced significant declines in the rates of total index crimes, violent crimes and property crimes. The declines in crimes attributable to COPS expenditures accounted for 10% of the total drop in crime from 1993 to 1998 and approximately 5% from 1993 to 2000. Further, for every dollar in COPS hiring grant expenditures per capita there was a reduction of almost 30 index crimes per 100,000 persons.

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SUBMISSIONS FOR THE RECORD

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TESTIMONY OF LIEUTENANT KRISTIAN CARLSON
SENATE COMMITTEE ON THE JUDICIARY
MAY 12, 2009

WRITTEN OPENING STATEMENT
KRISTIAN CARLSON
LIEUTENANT - Burlington Police Department, Burlington, Vermont
COMMANDER – Vermont Internet Crimes Against Children Task Force

Good Morning Mr. Chairman and Members of the Committee.

My name is Kristian Carlson and I am currently a Lieutenant with the Burlington, Vermont Police Department. I have also served as a member of the Vermont Internet Crimes Against Children Task Force for the past 9 years in numerous capacities, most currently as Commander. I am honored to be here this morning to discuss the impact of Federal Stimulus funding via the Vermont Internet Crimes Against Children Task Force Recovery Act grant. This funding will have a direct impact on the citizens of the State of Vermont as it will enable us to save jobs associated with the Vermont ICAC that would have otherwise been lost.

The Vermont Internet Crimes Against Children Task Force began in 1998 as a part of the larger Northern New England Task Force covering the states of New Hampshire, Maine and Vermont. The goals of the Vermont ICAC task force are three fold: Statewide digital forensic support, investigation and technical assistance, and training/public education and outreach. Since our inception we have observed unprecedented growth in the use of the Internet and digital devices by those who seek to exploit our children. Although the population of Vermont is one of the smallest in the United States, the ratio of crimes against children facilitated by technology is on par with national averages, a dark cloud in stark contrast to the picturesque and serene backdrop of the Green Mountains. These problems are not unique to Vermont, however, as currently there are 59 ICAC task forces operating in each state working against similar forces.

Since we began investigating computer facilitated child exploitation in 1998, as a state and a nation we have observed a substantial increase in the number, type and scope of offenses committed utilizing digital technology and the internet. We have also identified evidentiary value of digital devices in offenses ranging from graffiti to drugs to homicide, including some of the most horrific; those targeting our children and families.

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We have watched as our children have grown up in an age of technological wonder and observed our youngest generation master new technologies that we could only have imagined.

With ever expanding technology, the proliferation of digital devices that continue to shrink in size while rising in capability and the overwhelming use of cellular telephones and handheld devices, our children are more at risk than they have ever been as those who seek to hurt our children have similarly mastered this same technology. The resulting impact has been increased demand on local and state law enforcement agencies that lack the training and expertise to engage in these complex investigations and deal with intimidating amounts and scope of digital evidence. In turn, agencies across Vermont have come to rely on the specially trained and experienced members of the ICAC task force to meet the challenges posed by the increasing number and complexity of computer and Internet facilitated offenses.

As previously noted, the Vermont ICAC has worked closely with federal, state, and local agencies in Vermont and the region to collaboratively investigate computer facilitated child exploitation. The importance of this collaborative effort has been best exemplified in the following high profile investigations:

In March of 2008, a Detective with the Vermont ICAC was engaged in a proactive/Internet undercover operation portraying himself a 13 year old female from Vermont. The Detective encountered an adult male suspect in a chat room and between March and late May of 2008 the suspect transmitted numerous images of child pornography to and utilized a web camera to engage in lewd acts for the undercover detective. All of this occurred while the suspect believed his target was a 13 year old female. The suspect introduced the detective to several people portraying themselves as teenage females who in turn attempted to get the Detective to commit lewd acts. The suspect also told the Detective he had molested a prepubescent family member. This complex investigation revealed that the suspect lived in Buffalo Grove, Illinois and with the assistance of the US Attorneys Offices in Vermont and Chicago, the Federal Bureau of Investigation in Vermont and Chicago and the Buffalo Grove Police Department, a search warrant was obtained and executed at the suspect's residence. Digital evidence was seized and the suspect was arrested and later plead guilty in Federal Court to distribution of child pornography and received a 78 month sentence. The Vermont ICAC continued this investigation and focused on the previously mentioned teenage females ultimately identifying one of the reported teenage females as an adult male high school teacher in Lamberton, MN. These continued efforts lead to the issuance of a search warrant at the teacher's residence where digital evidence was seized and child pornography was discovered. The teacher was arrested and charged with possession of child pornography.

The second and most notable of these investigations began on June 25, 2008 when 12 year old Brooke Bennett disappeared from tranquil Brookfield, Vermont. The circumstances surrounding Brooke's peculiar disappearance led to the issuance of Vermont's first Amber Alert and immediately garnered national media attention. The Vermont ICAC became involved in the investigation immediately to assist in locating Brooke and to develop information regarding her disappearance. This assistance included digital forensic examiners responding to crime scenes, on-site forensic analysis, seizure of digital evidence and investigation of Brooke's use of the various internet sites including the social networking site MySpace. Over the course of the next week, ICAC personnel worked tirelessly with the FBI and numerous local and state police agencies to develop information vital to the investigation. The information developed by the

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Vermont ICAC quickly focused the investigation on Brooke's uncle, Michael Jacques, and was integral in determining that Brooke was not missing, but had in fact been murdered. This investigation led to a six count federal Indictment charging Jacques with the kidnapping of Brooke resulting in her death and the production/possession of child pornography.

These cases serve to highlight how prolific these offenders are, how wide ranging these investigations can be and how vital the Vermont ICAC has become.

The Internet Crimes Against Children Task Force Stimulus funding is being utilized to support our operations by maintaining our current staffing and increasing our overall capacity statewide. This funding will be utilized to directly support the employment of current members of the Vermont ICAC directly employed by the Burlington Police Department to include a digital forensic examiner and two investigators. This portion of the grant has been budgeted for 48 months/4 years, the goal of which is long term sustainability.

Recovery Act funding will also be used to maintain the current contingent of full and part-time personnel hired by the VT-ICAC during the previous grant cycle. This funding will support 4 forensic examiners, 1 digital forensic technician and 1 law enforcement investigator. These positions were created through funding via the VT-ICAC operational grant, the purpose of which was to assist in our investigative, forensic and technical assistance endeavors and to allay the overall backlog of investigations and forensic examinations that continue to mount. This contracting of the above employees was successful in enabling the VT-ICAC to meet its goals through 2008 into 2009 and maintaining these positions is essential in meeting our future goals.

Without the funding via the Recovery Act Internet Crimes Against Children Task Force grant, support of current positions would not be possible and they would be terminated. This would have a devastating impact on our ability to support Vermont law enforcement and serve the citizens of Vermont.

In summary, Recovery Act grant funding for the VT-ICAC will assist us sustaining our operations to prevent, interdict, investigate, and prosecute those who exploit our children by allowing us to maintain and expand our staff of trained investigators to investigate offenses and conduct proactive investigations; maintain and expand our staff of digital forensic examiners to conduct a high number of examinations and reduce the backlog of current cases; to work closely with our federal and state prosecutors to ensure swift and certain punishment of apprehended offenders and to maintain and expand our current program of educational outreach to parents, youth and schools through instruction in the art of Internet and Online Safety.

In closing, I would like to thank you, Mr. Chairman, and distinguished Senators for taking testimony on this important set of issues and for your continued leadership and assistance on law enforcement matters in Vermont and across our nation.

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Written testimony of Chief Edward A. Flynn

Community wins when Feds aid local law enforcement

Some would say in a time of economic stress that investment in police officers doesn't qualify as economic stimulus. That is shortsighted.

We have seen firsthand that crime can cause poverty. Crime and fear of crime drive business opportunities out of distressed neighborhoods, taking with them economic opportunity. Crime and fear of crime prevent economic development and deter business investment. Where cities have controlled crime and reduced fear, they have seen improvements in the economic circumstances of their citizens. Crime control has improved police-community relations and has improved the quality of life in cities.

Change is in the air. A new administration is questioning the assumptions of the past and responding to the American people's heartfelt need for a new direction. A key element of successful change is learning the right lessons from the past and applying them to the present.

Federal assistance to local law enforcement has provided police officers to cities that most needed them – not just to respond to crime but to prevent it. Just as important, those monies have provided officer training and technology assistance that introduced a generation of police leaders to problem-solving skills, enhanced police technology and the tools to successfully reduce community tensions.

Post-9/11, sadly, many of these valuable lessons were lost as funding was drawn away from the crime prevention capabilities of the police and was invested in emergency response equipment. Not surprisingly, crime gains have eroded in many cities and in some have been reversed. Assistance from the federal government, now more than ever, can give local law enforcement the tools it needs to forge ahead.

Milwaukee is an example of a major city that has seen the benefits of that assistance. Since 1994, more than $113 million in COPS grants has been awarded to local law enforcement in Wisconsin. These grants helped fund 1,353 additional police officers statewide. The Milwaukee Police Department has received $16.4 million from COPS since 1994 and was able to use COPS Hiring Grant dollars to fund 75 police officer positions. Additionally, those funds enabled MPD to hire six officers to be deployed in and around schools in an effort to promote public safety and to deter criminal and disruptive behavior.

In Milwaukee, we saw a nearly 10 percent drop in violent crime in 2008 over 2007. Homicides of African-American males between the ages of 15 and 29 dropped 66 percent. Homicide in general decreased 45 percent. We have seen the successes of putting officers on foot beats and the value of having more police officers in more visible roles in our schools. As a community-based, problem-oriented, data-driven agency, the

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Milwaukee Police Department can build on its successes with additional funds for police hiring, law enforcement technology and community prosecutors.

At a time when we have been announcing crime gains, we also see the city's budget slashed during an economic decline. The effects of the decline in budget dollars amid a distressed economy are most deeply felt in the city's poorest neighborhoods.

Federal assistance to local law enforcement, by reinforcing the ability of police to prevent as well as to respond to crime in a smart, strategic manner that engages communities and builds trust will save lives, calm fears and create neighborhoods capable of sustaining civic life. Milwaukee is doing the most it can with its resources and has seen significant results. Even now as revenues continue to decline, the pressure is on to reduce spending in police departments nationwide and this has consequences for continued crime prevention.

We are engaged in crime prevention, not just first response. We are not solely taking criminals, along with their guns and their drugs off the streets. Our goal is to prevent the next crime.

Crime prevention is the single most cost-effective economic stimulus in our cities. Funding, for hiring, technology and training represents hope for urban neighborhoods plagued by crime, fear and unemployment. It will improve lives, as well as save them.

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United States Senate
Committee on the Judiciary

< Return To Hearing

Statement of

The Honorable Patrick Leahy

United States Senator
Vermont
May 12, 2009

Statement Of Senator Patrick Leahy (D-Vt.),
Chairman, Senate Judiciary Committee,
Hearing On "Helping State And Local Law Enforcement"
May 12, 2009

This week is National Police Week, when we pay tribute to the men and women who work every day to protect our communities, our schools, and our homes, and we remember those who died in the line of duty. Across this country, more than 900,000 men and women in law enforcement work tirelessly day in and day out to keep us safe. Of those brave men and women, 133 gave their lives this past year, and more than 18,000 have died in this country's history. We owe them not just our gratitude, but our commitment to do everything we can to help them in their vital mission.

That is why, as this new Congress began, this Committee responded to the immense strain law enforcement is experiencing as a result of the economic downturn. I chaired the Committee's first hearing of the year, which examined the urgent need for increased Federal assistance to state and local law enforcement. At that hearing, police chiefs and experts from around the country agreed that the current economic crisis makes Federal aid to state and local law enforcement even more important, and that law enforcement funding will have an immediate economic impact.

Following that hearing, I worked hard with others in Congress and with the administration to ensure that the recovery legislation included a major infusion of funds for state and local law enforcement. Vice President Biden has long been a leader on this issue, and President Obama has consistently been a strong supporter, as well.

The recovery legislation that Congress passed and the President signed into law included nearly $4 billion for state and local law enforcement. It included, among other things, $1 billion for the Community Oriented Policing Services program, to put more police officers onto the streets, $2 billion for Byrne Justice Assistance Grants for state and local law enforcement, $125 million for rural drug enforcement assistance grants, $100 million for state Victim Compensation and Assistance programs, and $50 million for Internet Crimes Against Children Task Forces.

That money is already making its ways to the states, and it is already making a difference. To date, $460 million has already been awarded in Byrne grants for state and local law enforcement, and $95 million has already been awarded for victim assistance. Police departments are retaining officers who would have been laid off, making new hires, and strengthening effective programs, rather than cutting them.

The need for this assistance could not have been more urgent. Tough economic times create conditions that can too easily lead to a spike in crime. Earlier this year, USA Today reported a study by the Police Executive Research Forum finding that nearly half of the 233 police agencies surveyed had seen significant increases in crime since the economic crisis began. With unemployment on the rise and tax revenues plummeting, the conditions are ripe for crime rates to climb again, while states and municipalities are being forced to slash their budgets, including critical funding for police.

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The need for this funding is all the more important because the Bush administration over the past eight years abandoned the support for state and local law enforcement that reduced crime rates to record lows in the 1990s. Since 2001, Federal support for local police has been cut in half. These cuts have left many police forces large and small with more vacancies than at any time since 9/11.

The funding included in the recovery legislation for state and local law enforcement will not only help to address vital crime prevention needs, but will also have an immediate and positive impact on the economy. Hiring new police officers will stimulate the economy as fast as, or faster than, other spending. For construction jobs, only 30 to 40 percent of the funds go to salaries, but in police hiring, nearly 100 percent of the money goes to creating jobs.

Supporting local police also helps economic development more broadly. Over the past decade, entrepreneurs and hardworking homeowners have brought new life to once stagnant, often crime-ridden communities in inner cities and rural towns across the country. As these communities became safer, property values rose, businesses thrived, and local economies prospered. If crime returns, these economic gains will be lost.

Recovery funding is already making a difference. The positive impact of the stimulus funding becomes clear when you look at individual states, like my home state of Vermont. Under the Recovery Act, Vermont will receive nearly $5 million for Byrne grants for state and local law enforcement, more than $500,000 for victim compensation and assistance programs, and more than $400,000 to fight internet crimes against children. Among the largest recipients of these funds in Vermont will be the cities of Rutland and St. Albans, where the Judiciary Committee held hearings in the last Congress that showed that crime and drugs are not just big city issues and that rural communities, even those joining together to tackle the scourge of crime, need help.

This law enforcement funding, together with other budget decisions, has allowed the Vermont State Police, the state's largest sworn police force, to avoid laying off even a single uniformed officer. This stimulus money will also help police departments hire new personnel in places like Burlington, which has continued to be a law enforcement innovator. For the first time, with these Federal funds, there will be a full time mental health worker assigned to work with police on the street, which will reduce the need for uniformed police to provide mental health services and free them up for more traditional law enforcement.

I want to welcome today's witnesses, who can shed much light on the challenges state and local law enforcement are facing and how the recovery funds will meet those challenges. Lieutenant Kris Carlson heads the Vermont Internet Crimes Against Children (ICAC) Task Force, a special unit that targets online and other sexual predators. This unit plays a crucial role for law enforcement in Vermont, as few local police departments have the resources or expertise to focus on the latest internet technologies or to conduct the computer forensics needed to gather electronic evidence.

The impact of this unit was never clearer to anyone living in Vermont than the days after the disappearance of Brooke Bennett, a 12-year-old girl from Randolph, Vermont. Her disappearance led to one of the most intense, fast-moving investigations in our state's history. The members of the Vermont ICAC worked side by side with the FBI and other specialists, and they broke the case using their specialized computer skills to identify the perpetrator, who now stands charged with kidnapping and murder in federal court.

I visited this special unit along with FBI Director Mueller last summer, and together we thanked the all the investigators and prosecutors who worked the Bennett case. This unit, staffed by sophisticated and well-trained experts, would never have existed but for Federal assistance. It faced serious cut backs as a result of the faltering economy. But with the Recovery Act funding, all the jobs in the unit will be saved, and I know every person in Vermont is thankful that our children are safer because of it.

I want also to welcome Associate Attorney General Perrelli, who is already working hard to ensure that the law enforcement funding set out in the recovery legislation is put to the most effective use possible to keep our communities safe; Chief Flynn from Milwaukee, who has been outspoken in saying that only if we support effective police strategies can we ensure economic recovery; and Mr. Mulhausen, whom I enjoyed meeting in January and welcome back again.

I hope all Senators will agree with me that supporting state and local law enforcement makes our communities safer and keeps our trust with the brave men and women who lay their lives on the line for us every day. It is also an essential part of getting our economy and our communities moving again. I look forward to learning more about our progress on this crucial issue today.

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CONGRESSIONAL TESTIMONY

Statement of
David B. Muhlhausen, Ph.D.
Senior Policy Analyst
Center for Data Analysis
The Heritage Foundation

Before the Committee on the Judiciary of the United States Senate

Delivered May 12, 2009

"Byrne JAG and COPS Grant Funding Will Not Stimulate the Economy"

Introduction

My name is David Muhlhausen. I am Senior Policy Analyst in the Center for Data Analysis at The Heritage Foundation. I thank Chairman Patrick J. Leahy, Ranking Member Jeff Sessions, and the rest of the committee for the opportunity to testify today. The views I express in this testimony are my own and should not be construed as representing any official position of The Heritage Foundation.

Instead of passing economic stimulus legislation designed to stimulate the economy, Congress treated the American Recovery and Reinvestment Act (ARRA) of 2009 (P.L. 111-5) as a political Christmas tree to be filled with goodies for special interest groups.[1] With $500 billion in new spending up for grabs, special interest groups, including governors, big city mayors, and other local officials, lined up for their share of the new funding. For example, the U.S. Conference of Mayors published a wish list of over 1,500 pork barrel public safety projects that ordinarily should be funded by state and local governments and not the federal government.[2] In response, Congress allocated $2 billion for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program and $1 billion for the hiring or rehiring of police officers under the Office of Community Oriented Policing Services (COPS). Both of these grant programs subsidize the routine operations of local law enforcement and rarely, if ever, fund law enforcement activities that are the responsibility of the federal government.

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My testimony focuses on the following points:

- Byrne JAG and COPS grant funding will do little to stimulate the economy.
- The COPS program encourages state and local governments to be fiscally irresponsible.
- By rejecting "stimulus" funds, some police departments have recognized how COPS promotes fiscal irresponsibility.
- Byrne JAG grants do not fund vital drug enforcement activities.
- Byrne JAG grants place criminals on the street without posting bail.
- Claims of a forthcoming violent crime epidemic are overstated.
- The COPS program has an extensive track record of poor performance.
- The COPS Improvements Acts (H.R. 1139 and S. 167) will only exacerbate existing problems.
- COPS assigns functions to the federal government that fall within the expertise, jurisdiction, and constitutional responsibilities of state and local governments.

Byrne JAG and COPS Grant Funding Will Not Stimulate the Economy.
The addition of funding for Byrne JAG and COPS grants in the American Recovery and Reinvestment Act will do virtually nothing to stimulate the economy. The activities funded by these grant programs are not the types of activities that will provide a stimulus or "shock" to the economy. For example, the COPS grants funded by the American Recovery and Reinvestment Act subsidize the salaries of police officers. The funding is specifically intended to pay for the salaries of currently employed officers. Thus, the grants are unlikely to result in a net increase in spending. More importantly, the Byrne JAG and COPS grant funding has been either taxed or borrowed out of the private sector. These grants do not fund the type of investments that elevate economic productivity or promote technical advancement. Thus, this inefficient transfer of money out of the private sector is unlikely to stimulate the economy.

After passage, the American Recovery and Reinvestment Act requires the $2 billion in Byrne JAG grants and the $1 billion in COPS hiring grants to be rapidly spent in 30 days and 90 days, respectively.[3] This hasty timeframe greatly increases the likelihood that federal funds will be substituted for local financing, and thus, greatly diminishing any stimulus effects.

The Congressional Budget Office's (CBO) analysis of the American Recovery and Reinvestment Act has foreseen some of the complications created by federal transfers to local governments. The CBO acknowledges that:

> "[A]lthough some carefully chosen government investments might be as productive as private investment, other government projects would probably fall well short of that benchmark, particularly in an environment in which rapid spending is a significant goal. The response of state and local governments that received federal stimulus grants would also affect their long-run impact; those governments might apply some of that money

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to investments they would have carried out anyway, thus lowering the long-run economic return of those grants."[4]

Making matters worse, the additional spending on Byrne JAG and COPS grants may actually reduce economic growth. An analysis of the effect of intergovernmental revenues and combined transportation and public safety expenditures on economic growth in the 50 states and the District of Columbia from 1978 to 1992 found negative effects.[5] It found intergovernmental revenues and total expenditures for transportation and public safety to be negatively associated with economic growth on the state level.[6] While establishing legal institutions to protect property rights and enforce the rule of law and contracts are vital to supporting economic activity, our nation has already developed these institutions. Thus, massive increases in funding for federal law enforcement intergovernmental grant programs are unlikely to stimulate economic growth and may actually produce negative results. In addition, the study found that increases in overall government expenditures are associated with lower economic growth. This finding should not be startling because a voluminous set of economic literature supports this negative relationship.

The Expansion of Government Reduces Economic Growth. Increased government spending is unlikely to lift our nation's economy out of the current recession.[7] There are two major reasons for this negative relationship. First, government spending crowds out private spending, especially private investment spending that would have elevated productivity and promoted technical advancement.[8] Second, the amount of government spending indirectly measures other government interferences into the operation of the private sector, such as regulations that pin down economic growth and efficiency.[9] Numerous studies demonstrate that the increased size of government reduces economic growth.[10] For example, an analysis of 50 states and the District of Columbia from 1967 to 1992 found that the size of government, measured as total government expenditures as a percentage of total state personal income, is negatively associated with economic growth.[11] A 10 percent increase in government size leads to a 0.2 to 3.7 percent decrease in economic growth.[12]

Instead of increasing the size of government, Congress should have considered how economic recoveries occur. The two major ways to respond to economic downturns are through changes in monetary and fiscal policies. Monetary policy has been vital for ending recessions since World War II.[13] Fiscal actions, especially tax cuts, are another way thought to encourage economic growth.

A study by President Barack Obama's Chair of the Council of Economic Advisers, Professor Christina D. Romer and her coauthor, Professor David H. Romer, found that a tax increase of 1 percent of GDP decreases real GDP by about 3 percent.[14] Conversely, lowering taxes by 1 percent of GDP is associated with an increase in real GDP of 3 percent.

Instead of cutting taxes, Congress passed a massive spending bill that will likely do nothing but push our country deeper into debt and reduce future economic growth. In

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fact, the CBO estimates that the long-run impact of the American Recovery and Reinvestment Act will be increased debt that will "crowd out" private investment.[15] After 2014, the American Recovery and Reinvestment Act is estimated to reduce the nation's economic output.[16] The weak short-term gains from government spending shocks are unlikely to outweigh the long-term costs of spending shocks.[17] While spending shocks may affect economic activity temporarily, these new spending programs can create fiscal problems after these programs expire. For example, when COPS grants expire, grantees are left with large budget deficits that need to be filled.

As the research mentioned in this testimony suggests, new government spending is unlikely to make a substantial and long-term contribution to an economic recovery. In particular, the possibility of Byrne JAG and COPS grant funding providing an economic stimulus is improbable.

COPS Encourages Fiscally Irresponsible Behavior by Local Governments. During the Senate Committee on the Judiciary's last hearing on the American Recovery and Reinvestment Act, we heard testimony that local governments did not have enough funding to adequately fund their police departments.[18] Given that public safety is the primary responsibility of state and local governments, these local governments need to seriously reconsider their budget priorities. If budget shortfalls exist, then funding should be cut from less important government services.

Byrne JAG and COPS grants encourage state and local governments to shirk their responsibility for funding public safety programs and become more dependent on funding from the federal government. The passage of the 1994 Crime Act and the creation of COPS marked an important shift in federal assistance for state and local law enforcement. Previously, federal assistance focused on helping state and local governments test innovative ideas, such as providing funding for demonstration programs. The 1994 Crime Act shifted federal assistance away from testing innovative ideas and towards subsidizing the routine operations of state and local law enforcement.[19] Unfortunately, COPS encourages state and local officials to shift accountability for local crime toward the federal government when they fail to devote adequate resources to fighting crime. This shift in responsibility is unfortunate because ordinary street crime is the primary responsibility of state and local government.

Boston illustrates how COPS encourages fiscal irresponsibility by local governments. Boston Mayor Thomas M. Menino has blamed his inability to properly staff the Boston Police Department on a lack of COPS funding. During the 1990s, Boston accepted millions of dollars in COPS grants to hire additional police officers. When accepting these grants, Boston promised to retain these officers and maintain the same staffing levels after the federal contributions expired. Instead of developing a plan to retain the officers, Mayor Menino decided to downsize officer staffing after the grants expired, in violation of the federal grant rules.[20] The number of Boston police officers declined from 2,252 in 1999 to 2,036 in 2004—a 9.6 percent decrease. Taking population growth into account, the number of police officers declined by 13.1 percent from 40.4 officers per 10,000 residents in 1999 to 35.1 officers per 10,000 residents in 2004.[21]

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Commenting on Boston's failure to retain COPS-funded officers, a former official in the COPS office pointed out that Boston officials "knew they had to pick up the salaries after the three-year period" of federal funding.[22] Responding to criticism that Boston failed to plan adequately for the phase-out of federal assistance, Mayor Menino's spokeswoman Jacque Goddard said, "The mayor knew all along the money would run out. We would have expected the federal government to offer additional grants that we would have applied for and received."[23] Despite the fact that COPS requires recipients to "specify plans for obtaining necessary support and continuing the [funded] program...following the conclusion of Federal support,"[24] Mayor Menino appears to have viewed COPS grants as an entitlement to perpetual federal funding for the officers funded under the original grants.

Unfortunately, when local elected officials fail to adequately staff the police departments under their supervision, the federal government is now used as a scapegoat.

Exercising Fiscal Responsibility by Rejecting "Stimulus" Funds.
Understanding that accepting Byrne JAG and COPS grants from the federal government can create fiscal problems down the road, some communities have exercised fiscal responsibility by rejecting funds from the American Recovery and Reinvestment Act.[25] In Scottsdale, Arizona, the city council turned down over $225,000 in funding.[26] *The Arizona Republic* reported that Scottsdale council members "worried that accepting the money would create overhead that would burden future city budgets. They also were concerned that the city would be accepting the money just for the sake of spending it."[27] One of the "stimulus" projects before the city council was the purchase of a $227,000 mobile police surveillance tower that Scottsdale Police Chief Alan Rodbell admitted was already set to be bought under the city's capital improvement budget."[28]

In Mount Desert, Maine, the town board rejected a request from Police Chief James Willis to seek $175,000 in grant funding.[29] In North Carolina, the Lenoir County Sheriff's Office decided against applying for COPS grants due to concerns about paying for the funded positions after the grants expired.[30] Commenting on the COPS program, Sheriff W.E. "Billy" Smith said, "My only reservation with the COPS program is it gets you in there and then it forces the city or county to have to pick that up in a couple of years."[31] He further added, "When that time runs out and if local governments don't pick that up, then you are forced to cut those guys loose."[32]

Byrne JAG Grants Do Not Fund Vital Drug Enforcement Activities.
The major argument for funding Byrne JAG grants is that multi-jurisdictional drug task forces operated by state and local governments will cease to exist without Byrne JAG grant funding. Last year, special interest groups seeking their share of federal taxpayer dollars sent a letter to the Chairs and Ranking Members of the appropriations committees in Congress stating that without an infusion of new Byrne JAG grant funding most multi-jurisdictional drug task forces "will be forced to close within the coming months."[33] In addition, the president of the National Narcotics Officers' Associations Coalition testified in 2006 that any reduction in funding for Byrne JAG grants "will effectively cripple

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multi-jurisdictional drug enforcement at the local and regional levels."[34] This argument begs the question: If these multi-jurisdictional drug task forces are so important to public safety, then why are state and local officials unwilling to fund these programs without the federal government footing the bill? If these task forces are so vital to public safety, then state and local officials would be willing to fund them without federal subsidies.

Byrne JAG Grants Place Criminals on the Street without Posting Bail.
The $2 billion in Byrne JAG grants can be used by state and local governments for 29 broad criminal justice purposes, including funding pretrial release agencies. Pretrial service agencies perform many important tasks that assist the criminal justice system, such as pretrial investigations to assist court officials in making release decisions. Prior to a defendant's initial court appearance, pretrial service agencies collect information about the defendant, including employment and criminal histories, to ascertain whether a defendant should be released back into society before trials.

Unnecessary Expansion. In addition to pretrial investigations, pretrial services agencies are also tasked with assisting in the release of indigents from jail who could not afford to post bail. However, the mission of too many pretrial services agencies has expanded beyond helping indigents to include operating release programs for defendants who would normally secure release through private bond agents. These individuals are released on their own recognizance without offering anything of value to ensure that they return on their court date. Government should not provide a public good when the private sector offers identical services with a similar—or as is often the case, greater—level of competence. In this case, Byrne JAG grants are being used to displace the services of private bond agents.

The Private Sector Does it Better (Again). Private bail bond insurers provide important services to defendants and society at no cost to taxpayers. In exchange for a fee, private bond agents secure the release of defendants from jails while the accused await trail. Compared to other types of pre-trial release, research indicates that private bond agents are more effective at ensuring defendants make their court appearances.[35] Individuals who obtain their release through private bond agents are 28 percent less likely to fail to appear before court than when freed on their own recognizance.[36] When defendants fail to appear before the courts and remain at large for more than a year, private bond agents seem to be more effective at catching these fugitives than public law enforcement. Those released through the assistance of private bond agents have a fugitive rate that is 53 percent lower than the fugitive rates of those released on their own recognizance.[37]

Instead of obtaining release through the assistance of private bond agents, an enormous infusion of Byrne JAG funding, as included in the American Recovery and Reinvestment Act, will likely lead to more criminals being released on their own recognizance. This, in turn, will most assuredly result in more criminals failing to appear before court and becoming fugitives from justice.

Claims of a Forthcoming Violent Crime Epidemic Are Overstated.
According to some mayors, police chiefs, and criminologists, the United States is at the

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beginning of an epidemic of violence that will worsen if Congress does not increase funding to subsidize state and local criminal justice programs.[38] Those who want to restore COPS funding bolster their argument with the selective use of crime statistics.[39] In 2006, the Police Executive Research Forum (PERF) warned the nation that the violent crime rate, as reported by the Uniform Crime Reports (UCR), increased in 2005 compared to 2004.[40] PERF concluded that this one-year increase represented "the front end of a tipping point of an epidemic of violence not seen for years."[41] Then PERF called on Congress to increase funding for federal subsidies of the routine activities of local law enforcement. Fortunately, the epidemic of violence so eagerly predicted by PERF has yet to materialize. The UCR indicates that in 2007 the violent crime rate decreased and is slightly below the level reported in 2005.[42]

More recently, Professors James Alan Fox and Marc L. Swatt of Northwestern University assert that homicides involving young black males are "surging."[43] For example, Fox and Swatt note that from 2002 to 2007 the homicide victimization rate for black males aged 14 to 17 increased by 31 percent.[44] To put this "surge" in proper perspective, policymakers need to understand that the years used in this comparison were selected for their dramatic effect. To obtain a balanced perspective on homicide rates of young males, we need to see the long-term trend. Chart 1 presents the trends in homicide victimization rates of white and black males by age group from 1976 to 2007.[45] The 2007 rate of black homicide victimizations is dramatically lower than the rate in 1993, while the trend for while males remained relatively flat. Further, the homicide victimization rate of 14- to 17-year-old black males spectacularly decreased by almost 60 percent from 1993 to 2007—a decrease from 47.0 homicides per 100,000 in 1993 to 19.0 homicides per 100,000 in 2007.

While the modest increase in 14- to 17-year-old black male homicide victimizations is tragic, the trend does not hold for older black males. From 2002 to 2007, the homicide victimization rates of black males aged 18 to 24 and 25 and older decreased by 2.5 percent and 1.4 percent, respectively.

Overall, America is a much safer place compared to fifteen years ago. A recent review of crime data reported by police departments by the *Associated Press* found that in 25 cities with populations of more than 350,000 residents experienced an overall drop of 2.7 percent in total slayings from 2007 to 2008.[46] In addition to crime statistics reported by police departments, another barometer of crime trends is the National Crime Victimization Survey (NCVS). For the latest year of data, the "rates for every major violent and property crime measured by the NCVS in 2007 were at or near the lowest levels recorded since 1973, the first year that such data were available."[47] The overall victimization rate for violent crime in 2007 was 20.7 incidents per 1,000 persons compared to 21.1 incidents in 2005.[48]

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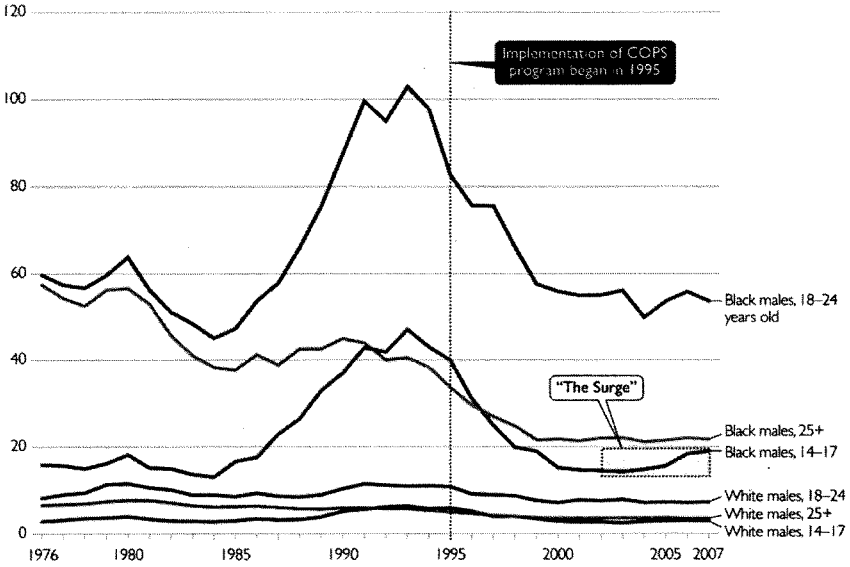
Homicide Victimization Rates Among White and Black Males

Homicides Per 100,000 Residents, 1976–2007



Source: James Alan Fox and Marc L. Swatt, "The Recent Surge in Homicides Involving Young Black Males and Guns: Time to Reinvest in Prevention and Crime Control," Northwestern University, December 2009, Table 8.

Chart 1 heritage.org

COPS has an Extensive Track Record of Poor Performance.
Research by both The Heritage Foundation and the U.S. Department of Justice found that the COPS program is ineffective.[49] According to COPS, the program reached an important milestone on May 12, 1999, "funding the 100,000th officer ahead of schedule and under budget."[50] While measuring the goal of adding 100,000 additional officers is problematic, the best available evidence indicates that COPS fell short of this goal. Research indicates that COPS did not actually put 100,000 additional officers on the street.[51] A National Institute of Justice (NIJ) process evaluation of COPS concluded: "Whether the program will ever increase the number of officers on the street at a single point in time to 100,000 is not clear."[52]

Most hiring grantees faced officer retention issues with their COPS-funded officer positions. According to an NIJ national survey of COPS grantees, 52 percent of hiring grantees were uncertain about their long-term plans for officer retention, 37 percent

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would achieve retention with funds cleared through the attrition of non-COPS-funded officers, 20 percent reported that retention would occur by cutting other positions, and 10 percent reported that the officers would not be retained. Of the medium and large police agencies that received hiring grants from 1994 to 1998, only 46 percent reported that all of their original COPS-funded officers were still employed in 1998.[53]

Very Little Impact on Crime. Heritage Foundation evaluations have uniformly found that COPS grants had little to no impact on crime rates.[54] In 2001, Heritage's Center for Data Analysis (CDA) conducted the first analysis of the COPS program's effectiveness.[55] The CDA evaluation accounted for yearly state and local law enforcement expenditures, and other socioeconomic factors, in counties from 1995 to 1998. It found that COPS grants for the hiring of additional police officers and for technology had no statistically significant effect on reducing the rates of violent crime.

In 2006, a second CDA evaluation of COPS grants using data from 1990 to 1999 for 58 large cities confirmed the earlier conclusion that the program has done little to reduce crime.[56] In addition, it found that the ineffectiveness of COPS grants awarded to large cities may be due to their misuse, with grants awarded to large cities used to supplant local police expenditures. Federal funds were substituted for local funding.

The 2006 CDA evaluation found COPS grants had a small effect on the crime rates in large cities, strongly indicating that increasing funding for the COPS program will do little to reduce crime.

Although the hiring grants were associated with a slight decrease in robberies, these grants failed to have a statistically measurable impact on murder, rape, assault, burglary, larceny, and auto theft rates. A 1 percent increase in hiring grants is associated with a 0.01 percent decrease in robbery rates, or a reduction of 0.06 robberies per 100,000 residents. The hiring grants' meager effect on robberies, and the lack of statistically significant findings for the six other crime categories, suggests that new funding for the hiring grants will do little to help large cities fight crime.

The Making Officer Redeployment Effective (MORE) grants provided funding for technology, officer overtime, and civilian staff salaries. The MORE grants were intended to redeploy veteran officers from administrative tasks to community policing.

The MORE grants appear to deter more crime than the hiring grants. Though MORE grants did not have a statistically significant relationship with murder, rape, larceny, and auto theft rates, the grants had a small deterrent effect on robbery, assault, and burglary rates. A 1 percent increase in MORE grants was associated with:

- A 0.007 percent decrease in robberies;
- A 0.005 percent decrease in assaults; and
- A 0.002 percent decrease in burglaries.

For the average large city, the deterrent effect of a 1 percent increase in MORE grant

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funding per capita resulted in:

- 0.005 fewer robberies per 100,000 residents;
- 0.03 fewer assaults per 100,000 residents; and
- 0.017 fewer burglaries per 100,000 residents.

The MORE grants have changed since the 1990s. They were renamed "technology" grants, and they no longer require grantees to use the funding to redeploy officers from administrative tasks to community policing. Instead of the original competitive application process, the technology grants are awarded through congressional earmarks. Limiting the MORE grants to earmarks may negate the deterrent effect found in this evaluation.

The innovative grants provided funding for addressing specific problems, such as domestic violence, gangs, and youth firearms violence. The innovative grants have a statistically significant relationship with a reduction in the murder rate, but no statistically measurable effect on the other crime rates. A 1 percent increase in innovative grants per capita is associated with a 0.001 percent decrease in murders per capita, or 0.0002 fewer murders per 100,000 residents. By the end of the Clinton Administration, most of the innovative grants were discontinued.

Additional research concludes that COPS was ineffective at reducing crime. Professors John Worrall of the University of Texas at Dallas and Tomislav Kovandzic of the University of Alabama at Birmingham recently evaluated the impact of COPS grants in 189 large cities from 1990 to 2000.[57] The authors found that COPS hiring, MORE, and innovative grants had little to no effect on crime. Commenting on the significance of their finding for public policy, the authors concluded that "a strategy of throwing money at the crime problem, of simply *hiring* more police officers, does not seem to help reduce crime to a significant extent."[58]

Are COPS Grants Worth the Cost? The value of the crimes prevented by COPS grants was estimated using prior research on the cost of crime to victims. Specifically, the dollar values of crimes prevented through COPS grants are estimated on a per capita basis. A 1996 National Institute of Justice (NIJ) study estimated the cost of crime to victims (victim-cost) based on personal expenses (for example, medical care and property losses), reduced productivity relating to work, home, and school, and quality of life losses.[59] For the analysis, the NIJ figures are converted into 1995 dollars. For example, each murder prevented results in an estimated victim-cost savings of $3.1 million. The victim-cost savings for each crime prevented are $8,400 for robbery, $25,300 for assault, $1,500 for burglary, and $3,900 for auto theft.

From 1995 to 1999, large cities spent an average of $3.05 per capita in hiring grants, $1.36 per capita in MORE grants, and $0.62 per capita in innovative grants. The cost-benefit estimates indicate that COPS grants did not pay for themselves.[60] (See Chart 2.)

- On average, large cities spent $3.05 per capita in hiring grants, which led to a

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victim-cost savings of $0.93 per capita—a net loss of $2.12 per capita.

- On average, large cities spent $1.36 per capita in MORE grants, which led to a victim-cost savings of $1.70 per capita—a net gain of $0.34 per capita.
- On average, large cities spent $0.62 per capita in innovative grants, which led to a victim-cost savings of $1.34 per capita—a net gain of $0.72 per capita.

Thus, average total COPS grant spending of $5.03 per capita in these cities produced $3.97 in victim-cost savings for a net loss of $1.06 per capita.

The Negative Return of COPS Grants

Figures are Averages for Large Cities

Grant Type	Per-Capita Expenditures	Per-Capita Victim-Cost Savings	Net Gain/Loss Per-Capita
Hiring	$3.05	$0.93	–$2.12
MORE	$1.36	$1.70	+$0.34
Innovative	$0.62	$1.34	+$0.72
Totals	**$5.03**	**$3.97**	**–$1.06**

Note: Dollar amounts are in 1995 dollars.

Source: Calulations based on David B. Muhlhausen, "Impact Evaluation of COPS Grants in Large Cities," Heritage Foundation *Center for Data Analysis Report* No. CDA06–03, May 26, 2004, and Ted Miller, Mark A. Cohen, and Brian Wiesema, "Victim Costs and Consequences: A New Look," U.S. Department of Justice, Office of Justice Programs, National Institute of Justice *Research Report*, January 1996.

Chart 2 heritage.org

Overall, the innovative grants were allocated the smallest share of COPS funding and appear to have produced the greatest monetary benefits. Though the benefits of the MORE grants are not as large as the innovative grant benefits, the MORE grants produce positive returns. The hiring grants, which were allocated the largest share of funding over the years and received the most public attention, appear to be the least effective of the grants.

COPS Grants Used for Supplanting Local Funds. The ineffectiveness of COPS grants awarded to large cities may be due to the misuse of the grants. The 2006 CDA evaluation found that COPS grants awarded to large cities were used to supplant local police expenditures. Supplanting occurs when federal funds are used to replace local funds, such as when federal funds intended for hiring additional police officers are instead used to pay the salaries of currently employed officers.

This finding is supported by multiple audits conducted by the Department of Justice. Its Office of the Inspector General (OIG) found that cities failed to hire the number of officers required, and did not comply with other grant conditions.[61] For example, instead of hiring 249 new officers, Newark, NJ, reduced its police force by 142 officers from fiscal years 1996 to 1997.[62] Other audits indicate that some police departments supplanted local funding by failing to hire the required number of additional officers. For

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example, OIG audits indicated that Atlanta, GA, El Paso, TX, and Sacramento, CA, used COPS grants to supplant local funding.[63] Atlanta used over $5.1 million in hiring grants to pay the salaries of officers who otherwise would have received funding from local sources. After receiving grants to hire 231 additional police officers, El Paso failed to hire the number of officers required by the grant. Sacramento used over $3.9 million in hiring grants to retain officers funded through earlier grants.

In Washington, D.C., the police department was awarded almost $11 million in MORE grants to hire 56 civilians and redeploy 521 officers through technology purchases.[64] When the OIG asked for a list of officers redeployed from administrative duties to community policing as required by the grants, the list included only 53 officers. Of the 53, one officer was deceased, ten were retired, and thirteen no longer worked for the police department.

COPS has a long history of doing little to resolve the misuse of the grants. According to congressional testimony by the Justice Department Inspector General Glenn A. Fine, "in many cases, the response to our findings was a paper exercise and...the COPS program did not take sufficient action to either bring the grantee in compliance, to offset the funds, to recoup the funds or to waive the funds."[65] Fine testified that COPS did not pay enough attention to ensure adherence to the grant requirements, including the hiring of officers, retaining officers, and tracking the redeployment of officers.[66]

An OIG audit of COPS grant management, for example, found that the use of funds by grantees was not monitored properly. Specifically, the OIG audited the COPS program's grant closeout process. Closeouts involve reviewing the grantee's use of federal funding to determine whether or not the grant conditions were followed properly. According to the OIG, "Timely grant closeout is an essential program and financial management practice to identify grantees that have failed to comply with all grant requirements, as well as any excess and unallowable costs charged to the grant, and unused funds that should be deobligated."[67] Without a timely closeout process, "non-compliant grantees may not be identified until years after the grant end date."[68] Thus, timely closeouts are crucial to effective monitoring of how federal taxpayer dollars are used.

The OIG determined that of the 12,840 closed COPS grants totaling almost $3 billion, only 135 grants (1 percent) were closed within six months after the grant end date. Eighty-three percent of the grants were not closed until more than two years after the grant end dates. On average, COPS took more than three years to close these grants properly.[69]

Of the 10,643 grants that expired but were not closed by COPS, 72 percent had been expired for more than two years. Twenty-four percent were expired for more than five years after the grant end date. On average, these grants had been expired without proper closure for more than 3.5 years.[70]

Review of a small sample of 30 expired but unclosed COPS grants found that 20 (67 percent) of the grantees did not comply with grant requirements. However, these

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noncompliant grantees were subsequently awarded 39 additional grants totaling $18.7 million.[71] If COPS had implemented a proper closeout process, these noncompliant grantees would not have been awarded additional grants without first meeting the conditions of their original grants.

Despite being created almost 15 years ago, COPS only began to hold grantees accountable for missing taxpayer dollars a few years ago. According to *USA Today*, 26 police departments in 16 states are barred from receiving COPS funding under the American Recovery and Reinvestment Act after abusing millions of dollars in prior grants.[72] In order to escape returning the misused taxpayer dollars to COPS, the grantees must agree to forgo receiving new grants for one- to three-years.

Instead of repaying almost $242,000 in misused funding from a 1997 grant, the Amtrak Police Department agreed to a three-year ban on new funding.[73] In Connecticut, the Waterbury Police Department agreed to the ban after misusing almost $1.9 million in grants awarded in 1998. In New Jersey, the Newark and Camden police departments also agreed to bans.[74] In order to evade repaying $565,000 in misused grants, the Camden Police Department agreed to not apply for new grants until 2010.

The COPS Improvements Acts of 2009 Exacerbate Existing Problems.[75]
Unconcerned by the COPS program's poor performance and in response to substantial lobbying by state and local officials, the House of Representatives recently passed the "COPS Improvements Act of 2009" (H.R. 1139). Its companion bill in the Senate (S. 167) is awaiting consideration. Overall, H.R. 1139 and S. 167 appear to be designed to encourage state and local law enforcement to become increasingly dependent on federal funding. The bills have a number of specific shortcomings.

Reauthorization of Hiring Grants. Reauthorization of the COPS program's hiring grants, as intended by both bills, would continue the federal government's constitutionally questionable practice of subsidizing the routine operations of state and local law enforcement. These hiring grants do not undertake any responsibility that has been allocated to the federal government by the Constitution.

Unlimited Renewal of Hiring Grants. With all of its problems, the original COPS legislation enacted into law in 1994 at least limited the length of hiring grants to three years. However H.R. 1139 and S. 167 would allow COPS to renew previous awards of hiring or retention grants perpetually. Once a grantee receives an award, the grantee could expect permanent federal funding. This change would essentially establish a new federal entitlement for localities.

Hiring Grants to Retain Non-COPS-Funded Officers. Similar to the unlimited renewal of hiring grants, H.R. 1139 and S. 167 encourage COPS hiring grants to be used for officer retention, thus setting up a cycle in which COPS may permanently fund positions previously financed through earlier grants. COPS funding is fungible. After a grantee's COPS grant expires, the grantee could keep the former COPS-funded officers, but lay off non-COPS-funded positions. The grantee could then apply for new hiring grants to rehire

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the laid-off officers. This change would make police departments even more dependent on the federal government.

Ending Incentives for State and Local Governments To Contribute. Originally, COPS hiring and technology grants normally required grantees to self-finance 25 percent of the costs of personnel and projects funded through federal assistance. However, COPS hiring and retention grants awarded under the American Recovery and Reinvestment Act no longer require local matching contributions. Under the Act, the federal government assumes 100 percent of police officers' salaries. Both H.R. 1139 and S. 167 would essentially abolish the 25 percent matching provision by permanently ending the requirement that the Attorney General give preferential treatment to applicants who agree to meet the 25 percent matching requirement. This change would likely end an important incentive for state and local governments to become self-sufficient after federal funding expires.

The original COPS hiring grants provided funding for three years. Before the passage of the American Recovery and Reinvestment Act, COPS used to require state and local governments to pay a larger share of the salaries over the course of the life of the grant. The goal was to prepare grantees to assume full responsibility for their COPS-funded officers after the grants expire. However, H.R. 1139 and S. 167 ends this requirement by making the change by the American Recovery and Reinvestment Act permanent. By discouraging grantees from preparing to self-finance COPS-funded positions after their grants expire, both bills appear to be designed to steer grantees towards applying for "renewal" or retention grants in the future. Further, H.R. 1139 will raise the dependence of local law enforcement on federal funding by increasing the grant funding period from three years to five years. These changes would entice grantees to perpetually seek federal funding.

Elimination of the $75,000-per-Officer Cap. Current law caps the COPS grant at $75,000 per officer. H.R. 1139 and S. 167 would eliminate this cap, meaning that the federal contribution per officer would be unlimited. This sets the stage for escalating federal contributions per position funded and would provide yet one more incentive for local governments to become progressively more dependent of the federal government.

A New COPS Program for State and Local Prosecutors. No longer content with only increasing federal-funding dependency for police departments, the sponsors of H.R. 1139 and S. 167 want to create a new program to fund the salaries of "community prosecutors," which would impose all of the fiscal problems created by COPS onto prosecutors.

Elimination of Oversight Measures. Nothing may be more emblematic of the intent underlying S. 167 than the removal of COPS from the jurisdiction of the Department of Justice's Office of Audit, Assessment, and Management (OAAM). In 2006, OAAM was created to ensure that Department of Justice grantees comply with financial grant conditions.

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Given that conflicting objectives and constituent politics can interfere with the successful implementation and monitoring of COPS grants, an agency outside of the COPS office should have the authority to audit grants and ensure compliance with grant conditions.[76] With the documented history of waste, fraud, and abuse by COPS grantees, removing COPS from OAAM's jurisdiction would send a clear signal to COPS grantees that they are not expected to comply with grant conditions.

Outside the Federal Government's Scope, Expertise, and Responsibility
Grants that subsidize the routine activities of local law enforcement assign to the federal government functions that fall within the expertise, jurisdiction, and constitutional responsibilities of state and local governments.[77] Combating ordinary crime is the principal responsibility of the state and local governments. If Congress wants to aid in the fight against crime, it should limit itself to unique roles that only the federal government can play. The federal government should not become a crutch on which local law enforcement becomes dependent.

Conclusion
The Byrne JAG and COPS grant funding in the American Recovery and Reinvestment Act is exceedingly unlikely to produce any stimulus for an economic recovery. Not only does the COPS program have an extensive track record of poor performance, but it encourages local government to be fiscally irresponsible.

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[1]To review the contents of H.R. 1, see *http://www.readthestimulus.org/* (May 11, 2009).
[2]Manuel A Diaz and Tom Cochran, *Mainstreet Economic Recovery: "Ready to Go" Jobs and Infrastructure Projects*, Release 4, U.S. Conference of Mayors, January 17, 2009, at *http://www.usmayors.org/mainstreeteconomicrecovery/documents/mser-report-200901.pdf* (January 26, 2009).
[3]Kate Davidson and Alan Ahlrich, "HR1 - Economic Recovery Package," Congressional Quarterly *CQ BillAnalysis*, March 30, 2009.
[4]Douglas W. Elmendorf, "Estimated Macroeconomic Impacts of H.R. 1 as Passed by the House and by the Senate," Letter to the Honorable Judd Gregg, Congressional Budget Office, February 11, 2009, p. 2, at *http://www.cbo.gov/ftpdocs/99xx/doc9987/Gregg_Year-by-Year_Stimulus.pdf* (May 7, 2009).
[5]Stephen M. Miller and Frank S. Russek, "Fiscal Structures and Economic Growth at the State and Local Level," *Public Finance Review*, Vol. 25, No. 2 (1997), pp. 213–237.
[6]*Ibid.*
[7]Brian M. Riedl, "Why Government Spending Does Not Stimulate Economic Growth," Heritage Foundation *Backgrounder* No. 2208, November 12, 2008, at *http://www.heritage.org/Research/Budget/bg2208.cfm*, and J. D. Foster, and William W. Beach, "Economic Recovery: How Best to End the Recession," Heritage Foundation *WebMemo* No. 2191, January 26, 2009, at *http://www.heritage.org/Research/Economy/wm2191.cfm*.
[8]Burton A. Abrams, "The Effect of Government Size on the Unemployment Rate," *Public Choice*, Vol. 99 (1999), pp. 395–401. Abrams notes that "In theory, it is possible for government spending to be allocated into growth enhancing infrastructure and education but in practice most outlays go for redistribution or government-mandated consumption which does not improve productivity" (p. 395).
[9]Abrams, "The Effect of Government Size on the Unemployment Rate."
[10]Karl Aiginger and Martin Falk, "Explaining Differences in Economic Growth Among OECD Countries," *Empirica*, Vol. 32 (2005), pp. 19–43; Konstantinos Angelopoulos and Apostolis Philippopoulos, "Does Public Sector Efficiency Matter? Revisiting the Relation Between Fiscal Size and Economic Growth in a World Sample," *Public Choice*, Vol. 137 (2008), pp. 245–278; Robert J. Barro, "Economic Growth in a Cross Section of Countries," *The Quarterly Journal of Economics*, Vol. 106, No. 2 (1991), pp. 407–443; Robert J. Barro, "A Cross-Country Study of Growth, Saving, and Government," National Bureau of Economic Research *Working Paper* No. 2855, February 1989; Robert J. Barro, "Government Spending in a Simple Model of Endogenous Growth," *Journal of Political Economy*, Vol. 98 (1990), pp. S103–125; James S. Guseh, "Government Size and Economic Growth in Developing Countries: A Political-Economy Framework," *Journal of Macroeconomics*, Vol. 19, No. 1 (1997), pp. 175–192; Daniel Landau, "Government Expenditure and Economic Growth: A Cross-Country Study," *Southern Economic Journal*, Vol. 49, No. 3 (1983), pp. 783–792; Daniel Landau, "Government and Economic Growth in Less Developed Countries: An Empirical Study for 1960–1980," *Economic Development and Cultural Change*, Vol. 35, No. 1 (1986), pp. 35–73; and Laura Razzolini and William F. Shughart, "On the (Relative) Unimportance of a Balanced Budget," *Public Choice*, Vol. 90 (March 1997), pp. 215–233.
[11]Razzolini, and Shughart, "On the (Relative) Unimportance of a Balanced Budget."
[12]*Ibid.*, p. 226.
[13]Christina D. Romer and David H. Romer, "What Ends Recessions?" National Bureau of Economic Research *Working Paper* No. 4765, June 1994.
[14]Christina D. Romer and David H. Romer, "The Macroeconomic Effects of Tax Changes: Estimates Based on a New Measure of Fiscal Shocks," National Bureau of Economic Research *Working Paper* No. 13264, July 2007.
[15]Elmendorf, "Estimated Macroeconomic Impacts of H.R. 1 as Passed by the House and by the Senate," p. 2.
[16]*Ibid.*, p. 3.
[17]Andrew Mountford and Harald Uhlig, "What are the Effects of Fiscal Policy Shocks?" SFB 649 Discussion Paper 2005-039, July 2005.
[18]Charles H. Ramsey, "Helping State and Local Law Enforcement During an Economic Downturn," testimony before the Committee on the Judiciary, U.S. Senate, January 8, 2009, at *http://judiciary.senate.gov/hearings/testimony.cfm?id=3611&wit_id=7558* (May 11, 2009), and John

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Schmidt, testimony before the U.S. Senate Committee on the Judiciary, January 8, 2009, at *http://judiciary.senate.gov/hearings/testimony.cfm?id=3611&wit_id=7559* (May 11, 2009).
[19]Laurie Robinson, "Gazing into the Legislative Crystal Ball," *Corrections Today*, Vol. 64, No. 7 (December 2002).
[20]Kevin Rothstein, "Menino Defense Cracks; Ex-Grant Officials Fault Mayor over Cop Funding," *Boston Herald*, November 5, 2005, p. A11.
[21]Calculations based on Federal Bureau of Investigation, *Crime in the United States, 1999*, pp. 300–367, Table 78, at *http://www.fbi.gov/ucr/Cius_99/99crime/99cius6.pdf* (March 7, 2007), and *Crime in the United States, 2000*, pp. 300–367, Table 78, at *http://www.fbi.gov/ucr/cius_00/contents.pdf* (March 7, 2007).
[22]Rothstein, "Menino Defense Cracks."
[23]*Ibid.*
[24]42 U.S. Code § 3799dd-1(c)(7). Similarly, recipients of COPS grants "for hiring or rehiring additional career law enforcement officers [must] specify plans for the assumption by the applicant of a progressively larger share of the cost in the course of time, looking toward the continuation of the increased hiring level using State or local sources of funding following the conclusion of Federal support." *Id.* § 3799dd-1(c)(8). Like officials in other large cities, Boston officials appear to not have given much thought or made a real commitment to fulfilling this condition of receiving millions of federal taxpayers' dollars.
[25]In addition to rejecting law enforcement grant funding, local governments have declined funding for other projects funded under the American Recovery and Reinvestment Act. Warren County, Ohio, rejected almost $2.2 million in "stimulus" funding for new transit buses and the repair of windows and roofs for government buildings. North Platte, Nebraska, declined $600,000 in funds for fixing landscaping, driveways, and sidewalks. See Matt Leingang, "Handful of Cities, Counties Refusing Stimulus," *Associated Press*, April 22, 2009.
[26]Lynh Bui, "Scottsdale Turns Down Stimulus Funds," *The Arizona Republic*, April 23, 2009.
[27]*Ibid.*
[28]*Ibid.*
[29]Leingang, "Handful of Cities, Counties Refusing Stimulus."
[30]Justin Schoenberger, "Federal Funding Could Bring More Police to Area: Money Could Cause More Harm than Good, Some Say," *The Free Press* (Kinston, N.C.), May 3, 2009.
[31]*Ibid.*
[32]*Ibid.*
[33]Robert E. Brooks *et al.*, "Restoration of Funding for the Byrne Justice Grant (JAG) Program," letter to chairmen and ranking members of the House and Senate Appropriations Committees, April 17, 2008, at *http://www.ncja.org/Content/NavigationMenu/GovernmentAffairs/Appropriations/Spreadthewordaboutcutstoj AG/Byrne-JAGCoalitionRestorationLetter4-17-08.pdf* (January 27, 2009).
[34]Ron Brooks, testimony before the Subcommittee on Criminal Justice, Drug Policy, and Human Resources, Committee on Government Reform, U.S. House of Representatives, May 23, 2006.
[35]Eric Helland and Alexander Tabarrok, "The Fugitive: Evidence on Public Versus Private Law Enforcement From Bail Jumping," *Journal of Law and Economics*, Vol. XLVII (April 2004), pp. 93–122.
[36] *Ibid.*, p. 108.
[37] *Ibid.*, p. 110.
[38]For a discussion of previous calls for additional COPS funding, see David B. Muhlhausen and Erica Little, "Federal Law Enforcement Grants and Crime Rates: No Connection Except for Waste and Abuse," Heritage Foundation *Backgrounder* No. 2015, March 14, 2007, at *http://www.heritage.org/Research/Crime/bg2015.cfm*.
[39]Police Executive Research Forum, *Chief Concerns: A Gathering Storm—Violent Crime in America* (Washington, D.C.: Police Executive Research Forum, October 2006), and James Alan Fox and Marc L. Swatt, "The Recent Surge in Homicides Involving Young Black Males and Guns: Time to Reinvest in Prevention and Crime Control," Northwestern University, December 2009.
[40]Police Executive Research Forum, *Chief Concerns*.
[41]*Ibid.*, p. 1.
[42]Calculations based on data from the Federal Bureau of Investigation, Crime in the United States, 2007, September 2008, Table 1, at *http://www.fbi.gov/ucr/cius2007/data/table_01.html* (January 6, 2009).
[43]Fox and Swatt, "The Recent Surge in Homicides Involving Young Black Males and Guns."
[44]*Ibid.*, p. 1.

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[45]The data are based on Table 8 from Fox and Swatt, "The Recent Surge in Homicides Involving Young Black Males and Guns."
[46]Carrie Antlfinger, "Homicides are Down in Some Large US Cities," *Associated Press*, January 3, 2009.
[47]Michael R. Rand, "Criminal Victimization, 2007," U.S. Bureau of Justice Statistics *Bulletin*, NCJ-224390, December 2008, p. 1.
[48]Rand, "Criminal Victimization, 2007."
[49]Gareth Davis, David B. Muhlhausen, Dexter Ingram, and Ralph Rector, "The Facts About COPS: A Performance Overview of the Community Oriented Policing Services Program," Heritage Foundation *Center for Data Analysis Report* No. CDA00–10, September 25, 2000, at *http://www.heritage.org/Research/Crime/CDA00-10.cfm*; Christopher S. Koper, Jeffrey A. Roth, and Edward Maguire, "Putting 100,000 Officers on the Street: Progress as of 1998 and Preliminary Projections Through 2003," in Jeffrey A. Roth, Joseph F. Ryan, Stephen J. Gaffigan, Christopher S. Koper, Mark H. Moore, Janice A. Roehl, Calvin C. Johnson, Gretchen E. Moore, Ruth M. White, Michael E. Buerger, Elizabeth A. Langston, and David Thatcher, *National Evaluation of the COPS Program: Title I of the 1994 Crime Act* (Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, National Institute of Justice, 2000), p. 163; and U.S. Department of Justice, Office of Inspector General, "Police Hiring and Redeployment Grants, Summary of Audit Findings and Recommendations," *Audit Report* No. 99–14, April 1999, at *http://www.usdoj.gov/oig/reports/COPS/a9914/index.htm* (April 16, 2008).
[50]Press release, "About COPS: Rebuilding the Bond Between Citizens and the Government," U.S. Department of Justice, Office of Community Oriented Policing Services, May 12, 1999, at *http://www.permanent.access.gpo.gov/lps9890/lps9890/www.usdoj.gov/cops/news_info/default.htm* (May 12, 2006).
[51]Gareth Davis, David B. Muhlhausen, Dexter Ingram, and Ralph Rector, "The Facts About COPS"; Michael R. Bromwich, "Management and Administration of the Community Oriented Policing Services Grant Program," U.S. Department of Justice, Office of Inspector General, Audit Division, Report No. 99–21, July 1999, at *http://www.usdoj.gov/oig/au9921/9921toc.htm* (December 20, 2002; unavailable May 12, 2006); U.S. General Accounting Office, *Community Policing: Issues Related to the Design, Operation, and Management of the Grant Program*, GAO/GGD–97–167, September 1997, at *http://www.gao.gov/archive/1997/gg97167.pdf* (May 12, 2006); and Christopher Koper, Jeffrey A. Roth, and Edward Maguire, "Putting 100,000 Officers on the Street: Progress as of 1998 and Preliminary Projections Through 2003," in Jeffrey A. Roth *et al.*, *National Evaluation of the COPS Program: Title I of the 1994 Crime Act* (Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, National Institute of Justice, 2000), pp. 149–176, at *http://www.ncjrs.gov/pdffiles1/nij/183643.pdf* (May 12, 2006).
[52]Koper *et al.*, "Putting 100,000 Officers on the Street," p. 152.
[53]Jeffery A. Roth, Christopher S. Koper, Ruth White, and Elizabeth A. Langston, "Using COPS Resources," in Roth *et al.*, *National Evaluation of the COPS Program*, pp. 111 and 113.
[54]David B. Muhlhausen, "Do Community Oriented Policing Services Grants Affect Violent Crime Rates?" Heritage Foundation *Center for Data Analysis Report* No. CDA01–05, May 25, 2001, at *http://www.heritage.org/Research/Crime/CDA01-05.cfm*, and David B. Muhlhausen, "Impact Evaluation of COPS Grants in Large Cities," Heritage Foundation *Center for Data Analysis Report* No. CDA06-03, May 26, 2004, at *http://www.heritage.org/Research/Crime/cda06-03.cfm*.
[55]Muhlhausen, "Do Community Oriented Policing Services Grants Affect Violent Crime Rates?"
[56]Muhlhausen, "Impact Evaluation of COPS Grants in Large Cities."
[57]John L. Worrall and Tomislav V. Kovandzic, "COPS Grants and Crime Revisited," *Criminology*, Vol. 45, No. 1 (February 2007), pp. 159–190.
[58]*Ibid.*, p. 185.
[59]Ted Miller, Mark A. Cohen, and Brian Wiersema, "Victim Costs and Consequences: A New Look," U.S. Department of Justice, Office of Justice Programs, National Institute of Justice *Research Report*, January 1996, at *http://www.ncjrs.gov/pdffiles/victcost.pdf* (April 16, 2006).
[60]For more information on the methodology used to estimate the benefits of COPS grants, see Muhlhausen, "Impact Evaluation of COPS Grants in Large Cities," pp. 15–16.
[61]For a discussion of the Inspector General audits, see Muhlhausen, "Impact Evaluation of COPS Grants in Large Cities," pp. 16–18.

[62]U.S. Department of Justice, Office of Inspector General, "Office of Community Oriented Policing

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Services Grants to the Newark, New Jersey, Police Department," Executive summary, *Audit Report* No. GR–70–98–007, June 1998, at *http://www.usdoj.gov/oig/grants/g7098007.htm* (April 16, 2008).

[63]U.S. Department of Justice, Office of Inspector General, "Office of Community Oriented Policing Services Grants to the Atlanta, Georgia, Police Department," Executive summary, *Audit Report* No. GR–40–98–006, April 1998, at *http://www.usdoj.gov/oig/grants/g4098006.htm* (April 16, 2008); "Office of Community Oriented Policing Services Grants to the El Paso Police Department, El Paso, Texas," Executive summary, *Audit Report* No. GR–80–01–013, May 30, 2001, at *http://www.usdoj.gov/oig/grants/g8001013.htm* (May 16, 2006); and "Office of Community Oriented Policing Services Grants to the City of Sacramento Police Department, California," Executive summary, *Audit Report* No. GR–90–98–022, May 1998, at *http://www.usdoj.gov/oig/grants/g9098022.htm* (April 16, 2008).

[64]U.S. Department of Justice, Office of Inspector General, "Office of Community Oriented Policing Services Grants to the Metropolitan Police Department, District of Columbia," Executive summary, *Audit Report* No. GR–30–01–003, December 29, 2000, at *http://www.usdoj.gov/oig/grants/g3001003.htm* (April 16, 2008).

[65]Hearing, "Office of Justice Programs," Subcommittee on Crime, Committee on the Judiciary, U.S. House of Representatives, 107th Cong., 2nd Sess., March, 5, 7, and 14, 2002, p. 109.

[66]*Ibid.*

[67]U.S. Department of Justice, Office of Inspector General, Audit Division, "The Department of Justice's Grant Closeout Process," *Audit Report* No. 07–05, December 2006, p. 2.

[68]*Ibid.*, p. 8.

[69]*Ibid.*, pp. 10–11.

[70]*Ibid.*, p. 17.

[71]*Ibid.*, p. 18.

[72]Kevin Johnson, "Misuse of Past Aid Costs Cops Stimulus; 26 Agencies in 16 States Miss Out on Slice of $1B," *USA Today*, May 7, 2009.

[73]*Ibid.*

[74]*Ibid.*

[75]This section of my testimony is based on a paper I co-authored with Brian W. Walsh. David B. Muhlhausen and Brian Walsh, "COPS Reform: Why Congress Can't Make the COPS Program Work," Heritage Foundation *Backgrounder* No. 2188, September 26, 2008, at http://www.heritage.org/Research/Crime/bg2188.cfm.

[76]For additional information on how conflicting objectives and constituent politics can degrade the ability of grant-making bureaus to effectively manage grants, see Muhlhausen and Walsh, "COPS Reform: Why Congress Can't Make the COPS Program Work."

[77]See Muhlhausen and Walsh, "COPS Reform: Why Congress Can't Make the COPS Program Work," and David B. Muhlhausen and Erica Little, "Federal Law Enforcement Grants and Crime Rates: No Connection Except for Waste and Abuse," Heritage Foundation *Backgrounder* No. 2015, March 14, 2007, at *http://www.heritage.org/Research/Crime/bg2015.cfm*.

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Department of Justice

STATEMENT OF

THOMAS PERRELLI
ASSOCIATE ATTORNEY GENERAL
U.S. DEPARTMENT OF JUSTICE

BEFORE THE

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

HEARING ENTITLED

"HELPING STATE AND LOCAL LAW ENFORCEMENT"

PRESENTED

MAY 12, 2009

Mr. Chairman, Ranking Member Sessions and distinguished Members of the Committee, thank you for the opportunity to discuss the Department of Justice's (the Department) support for state, local and tribal law enforcement and how we are working in partnership to address our most pressing public safety needs. We appreciate this Committee's continued interest in federal support for state, local and tribal law enforcement and investing in our communities to help keep them safe. This Administration is deeply committed to restoring a robust partnership with state, local and tribal communities to ensure that together we are bringing safety to America's communities.

The timing of today's hearing is appropriate as we commemorate Peace Officer's Memorial Day on May 15th and National Police Week. In every American community, committed law enforcement officers watch over our neighborhoods and work to make our Nation a safer, more secure place, and we must honor that commitment. This week pays special recognition to law enforcement officers who have lost their lives in the line of duty for the safety and protection of others. We also recognize the service and sacrifice of U.S. law enforcement and their families. This week would not be possible without our partners in the public safety community, such as the National Law Enforcement Officers Memorial Fund, the Fraternal Order of Police/Fraternal Order of Police Auxiliary, and the Concerns of Police Survivors. Their dedication to honoring America's law enforcement is to be commended.

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Today, Mr. Chairman, I would like to highlight the Administration's promise to restore a strong partnership with state, local and tribal law enforcement agencies and organizations, the Department's support for state, local and tribal law enforcement through the execution of the American Recovery and Reinvestment Act of 2009, Fiscal Year (FY) 2009 and FY 2010 grant programs and finally our support for state, local, and tribal law enforcement through research and evaluation.

Restoring Partnerships with State, Local and Tribal Law Enforcement

Communities across this country are facing challenges of crime, not only in large urban areas, but also in small towns and rural areas -- It may be gang violence; it may be property crime fueled by the downturn in the economy; it may be crime committed by very young teens. At the same time, law enforcement is facing severe challenges. Many departments have fewer officers than they had on September 11, 2001. In addition, many are facing harsh reductions in municipal budgets. And all state and local law enforcement have had added duties in the post-9/11 world. A downturn in the economy combined with all of these challenges can threaten public safety and place the rule of law at risk. Now, more than ever, it is essential to strengthen our partnerships with state, local and tribal law enforcement. This is a guiding principle for the Administration, and we believe that, together, we can protect our citizens, create jobs, and bring safety to America's communities.

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One way in which we have recognized that partnership has been in strengthening the ongoing relationship between the Department and state and local law enforcement leaders. Last month, Attorney General Holder hosted a "Law Enforcement Summit" that brought together more than 75 state and local police chiefs, sheriffs, and other law enforcement leaders. The Attorney General met with our partners in his conference room to begin an ongoing dialogue on ways in which we can work more collaboratively together. He and other officials in the Department spent time in a "listening session" with the law enforcement officials, and afterwards – to hear their concerns from the field.

Another way in which we have recognized the value of our partnership, of course, is in this Administration's efforts to restore needed funding to the "front lines" of the law enforcement community. We are meeting this goal with the help of strong bipartisan support from the Congress.

The American Recovery and Reinvestment Act of 2009

The American Recovery and Reinvestment Act (Recovery Act), signed into law in February, is not only helping jurisdictions across this country save and create jobs, it is assisting the Nation's communities in advancing public safety.

The Recovery Act will inject billions of dollars into the economy, providing jobs and much needed resources for states and local and tribal communities. Among these resources is more than $4 billion for state, local and tribal law enforcement and other

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criminal and juvenile justice activities. The offices within the Department responsible for administering this funding are the Office of Justice Programs (OJP), the Office of Community Oriented Policing Services (COPS), and the Office on Violence Against Women (OVW). Since enactment of the Recovery Act, these Offices have been participating in conferences and workshops as well as meetings with mayors, chiefs, sheriffs, city council members and other partners to communicate the resources available and how to apply for funding. I would like to highlight how the Department is focused on supporting state, local, and tribal law enforcement during these challenging economic times.

Office of Justice Programs

OJP, which provides federal leadership in developing the Nation's capacity to prevent and control crime, administer justice, and assist victims, is responsible for carrying-out more than $2.7 billion of Recovery Act grants. Recovery Act funds are available through initiatives such as the Byrne Justice Assistance Grant (JAG) Program, the Byrne Competitive Grant Program, Assistance to Rural Law Enforcement to Combat Crime and Drugs, Combating Criminal Narcotics Activity Stemming from the Southern Border of the United States, grants for Internet Crimes Against Children (ICAC) Task Forces, and grants for victim compensation and assistance, among others which are described in further detail on the Department's Recovery Act Web site.

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The lion's share of the funding, $2 billion, is available to local governments and states through the Byrne JAG formula grant program. This program supports a wide range of criminal justice activities, including drug and gang task forces, courts and corrections activities, and treatment, prevention, and victim services. Funds can also be used to support personnel, training, equipment, police vehicles, technology and information systems, as well as research and evaluation. As of Monday, May 11th, OJP has awarded over $537.6 million in state and local Byrne JAG awards.

The Department is also committed to finding ways to help law enforcement agencies improve their effectiveness and spurring technological advances that support law enforcement activities. As a result, we have carved out of the Byrne JAG formula money $10 million for the development and demonstration of more effective and efficient law enforcement technologies. We understand that departments are grappling with tight budgets, and we believe that technology is key to maximizing efficiency. With this funding, OJP's National Institute of Justice (NIJ) will support projects that address things such as officer safety, public safety, interoperability, communications and decision-making, information sharing, electronic crime, less lethal devices, and concealed weapons detection. These projects, both through their implementation and impact, are also targeted to help preserve and create high quality jobs, both within the law enforcement community and within industries that provide tools and technologies for the law enforcement community.

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OJP is also administering a $225 million Byrne Competitive Grant Program. Byrne Competitive Grants are similar to Byrne JAG in that they are focused on ensuring job growth and job retention. However, instead of providing grants based on a formula, the Department administers these funds based on a competitive application process. These grants help state, local and tribal communities improve the capacity of local justice systems and may be used for national efforts such as training and technical assistance.

We will be looking at programs that are evidence-based, and we will also have an emphasis on community prevention and initiatives focused on neighborhood-based probation and parole, forensics, mortgage fraud, victim assistance, and problem-solving courts. I also want to mention that one particular area of focus is the hiring of civilian staff in law enforcement agencies. This includes crime analysts, intelligence analysts, dispatchers, and training staff, all of whom are critical to law enforcement operations. Since the COPS money can be only used to hire sworn officers, this Byrne Competitive Program is a way to complement the COPS Hiring Program. This funding announcement closed on April 27, and OJP has received over 3,500 applications for funding under the Byrne Competitive program. We plan on awarding money to selected applicants by September 2009.

The Recovery Act appropriated $50 million for the ICAC Task Force Program. Regional ICAC task forces foster an important partnership among local, state, and federal law enforcement agencies. It is a national network of 59 coordinated task forces that help state and local law enforcement agencies develop an effective response to cyber

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enticement and child pornography cases. The task forces encompass forensic and investigative components, training and technical assistance, victim services, and community education. Because evidence-based approaches are a priority for the Department, OJP's NIJ also has a solicitation out for an evaluation of Internet child safety materials used by ICAC task forces. Applications for that program are due May 18th.

The Recovery Act also provided OJP with funds to help rural state and local law enforcement agencies fight crime, particularly drug-related crime, and set aside funding for law enforcement agencies along the southern border and in High-Intensity Drug Trafficking Areas to combat narcotics trafficking. This is in response to the concerns regarding Mexican drug activities and violence seeping over the border. And finally, grants are also available for construction of jail facilities on tribal lands. We are also making available, through NIJ, almost $4 million to support research and evaluation projects to further our commitment to using sound research to inform criminal justice policy.

Law Enforcement Information Sharing Program (LEISP)

The Department continues to work diligently to ensure that our state, local and tribal information sharing partners have access to the best information possible. From our participation and sponsorship of the Global Justice Information Sharing Initiative Advisory Committee, to our push to establish standards such as the National Information

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Exchange Model, which began as a Department initiative, we have been able to make significant advances in information sharing.

Today we are beginning to reap the benefit of those initiatives. The Department has implemented a number of programs such as OneDOJ and the Federal Bureau of Investigation's (FBI) National Data Exchange System (NDEx). These programs provide federal, state, local and tribal law enforcement officers with the tools necessary to search and analyze data using powerful automated capabilities, helping to connect the dots between people, places, and events. All Department law enforcement components – the Bureau of Alcohol, Tobacco, Firearms and Explosives, the Bureau of Prisons, the Drug Enforcement Administration, FBI, and the U.S. Marshals Service - are using NDex to share information under consistent policy and technical standards. Information shared includes open and closed case documents, investigative reports, witness interviews, criminal event data, criminal history and incarceration information, and identifying information about individual offenders.

These are just a few example of the Departments commitment to our Law Enforcement Information Strategy. These systems, along with a number of other initiatives, are providing our state, local and tribal information sharing partners with access to more information then ever before to help ensure that we are providing our citizens with the most secure communities possible.

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Office of Community Oriented Policing Services (COPS Office)

The COPS Office provides grants, training, technical assistance, best practices and applied research directly to the 18,000 state, local, and tribal law enforcement agencies throughout the Nation. Since 1995, the COPS Office has provided over $12 billion to help law enforcement advance the practice of community policing, and has enabled more than 13,200 state, local, and tribal law enforcement agencies to hire nearly 117,000 police officers and deputies through more than 38,000 grants.

This support from the COPS Office provides much-needed resources and assists in promoting proven crime fighting strategy. Community Policing is a philosophy that promotes organizational strategies, which support the systematic use of partnerships and problem-solving techniques, to proactively address the immediate conditions that give rise to public safety issues such as crime, fear of crime, and social disorder.

This year, this support comes primarily in the form of grants that COPS will make to create and/or preserve law enforcement officer positions. With $1 billion provided through the Recovery Act, the COPS Hiring Recovery Program will create or save approximately 5,500 law enforcement officer jobs which will both stimulate our economy and promote community policing by putting more officers and deputies on patrol in neighborhoods throughout the country.

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Opened on March 16th, just one month after the passage of the Recovery Act, this grant program has provided the Department with a true understanding of needs of the law enforcement field. The COPS office received applications from 7,272 law enforcement agencies for $8.3 billion in requested funds to create or save more than 39,000 law enforcement officer jobs. We plan to award money to selected applicants by September 2009.

Office on Violence Against Women

The Office on Violence Against Woman received $225 million to support five of its existing grant programs, including the STOP Violence Against Women Formula Grant Program, the Transitional Housing Assistance Program, the Grants to Tribal Governments Program, and funds to support state and tribal Sexual Assault and Domestic Violence Coalitions. Of these programs, two support the work of state and local law enforcement: the STOP Violence Against Women Formula Grant Program and the Grants to Tribal Governments Program.

The STOP Program requires each state to allocate at least 25 percent of funds under the STOP Program for law enforcement. Activities funded include dedicated domestic violence or sexual assault officers and detectives, training for law enforcement on violence against women, victim-witness personnel within law enforcement offices, and special programs within probation, parole, and corrections offices.

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The Tribal Governments Program helps to improve tribal responses to violence against women, including law enforcement response. Proposals for Recovery Act funding include using funds to hire dedicated domestic violence officers and assist tribes with Sex Offender Registration and Notification Act compliance.

The Recovery Act makes substantial resources available to communities, and most importantly funds to aid in job growth, job creation, and capacity building. Reviewing applications and awarding funds is our highest priority, and we are moving quickly. Almost all of the Recovery Act solicitations have closed. OJP, COPS, and OVW are processing applications. In addition to our JAG awards, we have awarded $95 million in Recovery Act funds to victim assistance and compensation programs. In addition, we expect to start making discretionary awards this summer.

Supporting State, Local and Tribal Law Enforcement in Fiscal Years 2009 & 2010

The President has said that "protecting citizens is our first and most solemn duty in government." The Department is fully committed to supporting state, local, and tribal law enforcement and criminal justice agencies. To that end, the FY 2009 Omnibus Appropriations bill includes more than $2.9 billion for state, local and tribal law enforcement assistance, including $546 million for Byrne JAG. This is money in addition to the Recovery Act and is critical to protecting our citizens, creating jobs, and bringing safety to America's communities.

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The COPS Office received over $550 million in the FY 2009 appropriation for state and local law enforcement assistance. The COPS Office grants are awarded directly to state, local, and tribal law enforcement agencies to hire and train community policing professionals, acquire and deploy cutting-edge crime-fighting equipment, and develop and test innovative policing strategies.

OVW received a total of $415 million in FY 2009. A number of OVW programs, including the STOP Violence Against Women Formula Grant Program, support state and local law enforcement through training and technical assistance for law enforcement agencies working to improve responses to domestic violence, dating violence, sexual assault, and stalking.

In FY 2009, OJP received approximately $2 billion. Much of this funding will be used for grants, training, and other assistance to state, local, and tribal law enforcement and criminal justice agencies. This includes funding for programs such as Byrne JAG and other initiatives aimed at reducing crime and improving the overall function of the criminal and juvenile justice systems.

As you know, last week the President announced the FY 2010 Budget Request. Within the proposal, the Administration is requesting $2.6 billion for state and local law enforcement assistance. This funding will be used for programs that establish and build on partnerships with state, local, and tribal governments, and faith-based and community organizations. These programs provide federal leadership on high-priority criminal

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justice concerns such as violent crime, criminal gang activity, illegal drugs, Second Chance Act implementation, and related justice system issues. The mix of formula and discretionary grant programs coupled with robust training and technical assistance activities, assist law enforcement agencies, courts, local community partners, and other components of the criminal justice system in preventing and addressing violent crime, protecting the public, and ensuring that ex-offenders are provided the opportunity to successfully reintegrate into society.

As part of the request, $761 million is included for the COPS Office, of which $298 million is for COPS to continue its hiring program. This funding will be used to support the Administration's goal of adding an additional 50,000 police officers throughout the country. COPS Hiring grants will directly assist state, local and tribal governments in hiring additional law enforcement officers for deployment in community policing, and will encourage agencies to increase their community policing capacity to improve public safety.

The Department will continue to rebuild and strengthen our partnerships through additional listening sessions and workshops, as well as teleconference calls to listen to the needs of the law enforcement community and assist agencies in applying for grants. I cannot emphasize enough how our communications are instrumental in getting the word out about available funding for the criminal justice community and the "front lines" of law enforcement, as well as restoring confidence among our state, local and tribal partners.

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Research and Evaluation

While we acknowledge that public safety is a major challenge in this country, we need to focus also on the importance of what we know from research about how to address crime. In addition to providing support through grants at the state, local and tribal levels, it is critical we support new and innovative approaches to addressing crime that are supported by evidence-based practices. The President recently visited the National Academy of Sciences and remarked, "Science is more essential for our prosperity, our security, our health, our environment, and our quality of life than it has ever been before." This President believes that our approach to fighting crime, like other important issues of our day, should be backed by sound science.

At the Department, we are following through on this commitment by working to re-establish the connection between research and practice, and giving the field the latest information about what works in the field of criminal and juvenile justice. This effort is one of our top priorities, and is helping to restore the integrity of science at the Department.

We also believe research should be integrated into, not separate from, our programmatic activities. Police chiefs know that evidence-based approaches like "hot spot policing" can really work to reduce crime – and that it doesn't simply move it to adjacent neighborhoods. These kinds of "smart on crime" strategies can make a difference in how law enforcement resources are allocated and what impact they have on

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crime. OJP has started a series of internal working groups to figure out how we can share information with the field about evidence-based approaches to fighting crime. In many cases, the knowledge is already out there in the field and it is our job to facilitate the horizontal transfer of that information and advance programs and practices that are supported by evidence of effectiveness. Through these working groups, we are coming up with a strategy for strengthening the evidence-based nature of our programs and working to build a more solid research foundation for the work that we do.

It is also our job within the Department to evaluate the programs that we do fund. A perfect example of this is the DNA and Property Crimes field experiment funded by NIJ. We funded five sites to gather biological evidence from property crimes, and then examined the results. Each site examined one set of cases using traditional methods and another set of similar cases using both traditional methods and DNA analysis. Researchers found that twice as many suspects were identified and arrested when DNA was analyzed, and that twice as many cases were accepted for prosecution. Since these offenders often commit violent offenses as well, the study results have potentially important implications for crime prevention. In addition, burglary has a very low clearance rate and the use of this powerful new tool means that many more burglary cases could be solved.

Research has also shown confidence in the COPS Office and that its grants do have the potential to significantly impact the communities where they are awarded. In its final report on the effectiveness of COPS Office grants, the GAO found that for every

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dollar in COPS hiring grant expenditures per capita there was a reduction of almost 30 index crimes per 100,000 persons. In 2006, economists at Yale and Georgetown Universities examined the existing research pertaining to the COPS program and calculated that "each dollar devoted to COPS is likely to generate at least $6 to $12 in benefits to society....that adding $1.4 billion in funding for the COPS program would thus avert between $6 and $12 in victimization costs to the American people, making COPS a very cost-effective approach to reducing crime."

These are just a couple of examples of how research and evaluation can inform practice, and it is that connection between research and practice that will help strengthen the criminal justice community and our state, local and federal partnership. In addition, the continued dialogue with our state, local and tribal partners is all part of the process of having an open and informed discussion with those most involved in the field.

Conclusion

If our partnership with state, local and tribal law enforcement is to endure, federal financial support cannot be a one time occurrence. This country is facing prolonged problems that require steadfast commitment and long-term cooperation. The Recovery Act gives us the traction and the opportunity to address immediate needs, but we also need to look beyond the horizon and inform our decisions with sound policy research and proven practices. At the Department of Justice we are committed to working with our partners at the state, local and tribal level in every way we can to address public safety.

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This concludes my statement Mr. Chairman. Thank you for the opportunity to testify before the Committee today. I would be pleased to answer any questions you or other Members may have.

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