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TO AUTHORIZE THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANT GRANT PROGRAM AT FISCAL YEAR 2006 LEVELS THROUGH 2012

HEARING

BEFORE THE

SUBCOMMITTEE ON CRIME, TERRORISM, AND HOMELAND SECURITY

OF THE

COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES

ONE HUNDRED TENTH CONGRESS

SECOND SESSION

ON

H.R. 3546

MAY 20, 2008

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TO AUTHORIZE THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANT GRANT PROGRAM AT FISCAL YEAR 2006 LEVELS THROUGH 2012

TUESDAY, MAY 20, 2008

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

The Subcommittee met, pursuant to notice, at 11:02 a.m., in Room 2141, Rayburn House Office Building, the Honorable Robert C. "Bobby" Scott (Chairman of the Subcommittee) presiding.

Present: Representatives Scott, Johnson, Baldwin, Coble, and Gohmert.

Staff present: Marion Dispenza, (Fellow) ATF Detailee; Kimani Little, Minority Counsel; and Brandon Johns, Majority Staff Assistant.

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

I am pleased to welcome you today to the hearing before the Subcommittee on Crime, Terrorism, and Homeland Security on the bill H.R. 3546, "To authorize the Edward Byrne Memorial Justice Assistance Grant Program for fiscal year 2006 levels through 2012," authored by the gentleman from Georgia, Mr. Johnson.

The Byrne Grant Program, named after Edward Byrne, a New York City police officer killed by a violent drug gang 20 years ago, is the only source of Federal funding for multijurisdictional efforts to prevent and fight crime. The Byrne Memorial Justice Assistant Grant, or Byrne/JAG Program, allows States and local governments to support a broad range of activities to prevent and control crime and to improve the criminal justice system which States and local governments have come to rely on to ensure public safety.

The States use Byrne/JAG grants for law enforcement, prosecution and court programs, prevention and education, corrections and community programs, drug-free planning, evaluation, technology improvement programs, and crime victim and witness programs. The States use the grants for law enforcement and hold those who commit crimes accountable for their offenses.

However, the grants play an integral role in enabling States to employ all aspects of fighting crime, rather than simply using the so-called get tough approach focusing on arrests and increasing sentences. For example, in my home State of Virginia, in fiscal year

2007 alone, Byrne/JAG grants enabled task forces to reduce violent crime by as much as 20 percent in targeted areas throughout a multifaceted approach to crime.

Nine different law enforcement regional information-sharing networks were established, connecting 85 agencies. The Virginia Firearms Transaction Program increased its instant background checks for firearm purchases by 50 percent. High school students received training in traffic safety, crime prevention, and substance abuse.

In its early years, the Byrne/JAG Program enjoyed appropriations that enabled it to work effectively. Unfortunately, however, funding has been diminishing over the past several years, threatening its ability to function. Although Congress authorized over a billion dollars, only $520 million were appropriated for fiscal year 2007. The appropriation was drastically reduced to $170 million for fiscal year 2008, and the President has proposed further cuts for fiscal year 2009. The reduced funding for fiscal year 2008 has already threatened the functionality of the programs the grants support. Further reductions could put existence to the programs in doubt.

The trend to reduce the programs may result in part from instances where Byrne/JAG Program funding has been abused. For example, in 1999, Byrne/JAG grant funding was used in the infamous Tulia outrage in which a rogue police narcotics officer in Texas set up dozens of people, most of them African-American, in false cocaine-trafficking charges.

In other instances, jurisdictions used funding to fund task forces focused solely on ineffective low-level drug arrests which has put the task force concept and the diminishing standards for drug enforcement that it has come to represent in the national spotlight.

But reducing funding is not the answer. Instead, we should ensure that the funds are being used properly because the success of the program far outweighs its failures.

Nationwide, the grant program has resulted in major innovations in crime control, including drug courts, gang prevention strategies, prisoner reentry programs, all of which provide proven and highly effective crime prevention. These innovations have demonstrated that best crime policies incorporate programs that help at-risk youth avoid criminal behavior and prepare prisoners for reentry into society so that they have meaningful and productive alternatives to crime when they return home.

Byrne/JAG Grants are also indispensible resources that States use to combat crime, and I urge my colleagues to support the reauthorization of the funding.

[The bill, H.R. 3546, follows:]

I

110TH CONGRESS
1ST SESSION

H. R. 3546

To authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 17, 2007

Mr. JOHNSON of Georgia (for himself, Mr. HOLDEN, Ms. HIRONO, Mrs. BOYDA of Kansas, Mr. MATHESON, Mr. FATTAH, Mr. SCOTT of Georgia, Ms. JACKSON-LEE of Texas, Mr. FARR, Mr. MAHONEY of Florida, Mr. LARSEN of Washington, Mr. WU, Mr. LINCOLN DAVIS of Tennessee, Mr. MCGOVERN, Mr. ELLISON, Mr. COHEN, Ms. LINDA T. SÁNCHEZ of California, Mr. CUMMINGS, Ms. SHEA-PORTER, Mr. ETHERIDGE, Mr. PAYNE, Mr. RAHALL, Ms. ZOE LOFGREN of California, Mr. BAIRD, Mr. ELLSWORTH, Mr. SHULER, Mr. DONNELLY, Mr. LAMPSON, Ms. SUTTON, Ms. WOOLSEY, and Mr. DAVIS of Illinois) introduced the following bill; which was referred to the Committee on the Judiciary

---

A BILL

To authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012.

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

SECTION 1. AUTHORIZATION OF GRANTS.

Section 508 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3758) is amended by striking "for fiscal year 2006" through the period

1 and inserting "for each of the fiscal years 2006 through
2 2012".

○

Mr. SCOTT. It is now my pleasure to recognize the esteemed Ranking Member of the Subcommittee, the gentleman from Texas, the Honorable Judge Gohmert.

Mr. GOHMERT. Thank you, Chairman Scott.

And thank you to my friend, Mr. Johnson, for filing this bill for reauthorization. It has done a great deal of good in a great number of places.

And I appreciate the Chairman bringing up a bad example, being from Texas.

In any event, the Edward Byrne Memorial Justice Assistance Grant Program allows States and local governments to support a broad range of activities to prevent and control crime, to improve the criminal justice system.

The Byrne Justice Assistance Grant Program is named after a fallen New York City police officer, Edward Byrne. I am sure everyone here was aware of that and that Officer Byrne was killed in February 1986 while protecting a witness who had agreed to testify in court against local drug dealers.

The Department of Justice Bureau of Justice Assistance administers this program which allocates using a formula based on population and crime statistics. The program has a minimum allocation to ensure that each State and territory receives an appropriate share of the Federal funds.

There are seven purpose areas that the funding can be used for. The areas include law enforcement, prosecution, court programs, crime prevention, education programs, correction and community correction programs, drug treatment, technology improvement programs, and programs to support crime victims and witnesses, all of those being very noteworthy.

Once received, Justice Assistance Grant funds can be used to pay for personnel, overtime, and equipment. Funds provided to the States are also used for statewide initiatives, technical assistance and training, support for local and rural jurisdictions.

The Byrne Justice Assistance Grant Program was preceded by the Edward Byrne Memorial State and Local Law Enforcement Assistance Program and the Local Law Enforcement Block Grant Program, but it is one of the few government programs that have been consistently supported by both parties in Congress, and I do believe we should continue to do so now.

My friend Mr. Johnson's bill, H.R. 3546, is a one-sentence straight reauthorization of the Byrne Justice Assistance Grant Program at fiscal year 2006 levels through 2012, and I would submit that it is an example of one member of one party being very bipartisan, playing no games, just straightforward, and that is greatly appreciated.

At a time where violent crime and gangs are spreading out of America's urban centers to suburban and rural areas, Congress should continue to provide our States and cities with the funding and equipment they need to effectively enforce the law. I am proud to support the reauthorization of the Byrne Justice Assistance Grant Programs and would urge my colleagues to do so.

I also appreciate each of you being here. Obviously, you have been affected by the Byrne Program, and we just appreciate the work that each of you do. Having been a former prosecutor, judge,

chief justice, I have great appreciation for what each of you do, and thank you for going to all the trouble to be here today. I know the pay for being a witness is what draws most people here.

In case somebody is watching on C-SPAN, they are not really getting paid.

But that makes it all the more gracious on your part to be here, and we thank you for being a part of this.

Mr. SCOTT. Thank you.

Usually, we do not have statements from other Members. We ask them to put them in the record, but the author of the bill before us is with us, the gentleman from Georgia, and I would call on him if he has a brief statement.

Mr. JOHNSON. Thank you, Mr. Chairman.

I applaud you for bringing this matter to this Subcommittee, and I want to thank Ranking Member Gohmert for his help and his insight into this very critical area.

Thank you, witnesses, for appearing today.

H.R. 3546, a bill to reauthorize the Edward Byrne Memorial Justice Assistance Grant Program, I introduced last year. This law enforcement grant program is the only comprehensive Federal program to combat criminal activity within a governmental and interstate approach and which provides critical funding to State and local law enforcement to fight crimes, as well as to assist in the prevention of crimes and drug use, to treat non-violent offenders, and to improve the effectiveness of prosecutors, courts, as well as corrections practices.

In my home State of Georgia, these grants allow the State to maintain a well-trained corps of specialized drug enforcement officers in small law enforcement agencies that work closely together, allowing for officers to share intelligence, coordinate their operations with State and Federal agencies, and share resources with State and Federal agencies.

This critical funding supports half of Georgia's counties and judicial districts, allowing localities, especially in rural districts, to dedicate funding to over 100 special agents, commanders, and support staff. Nationwide, Byrne/JAG has led to 220,000 arrests, the seizure of 54,000 weapons, the destruction of 5.5 million grams of methamphetamine, and the elimination of almost 9,000 methamphetamine labs.

Byrne/JAG has the support of numerous law enforcement coalitions, including the International Association of Chiefs of Police, the National Sheriffs' Association, and the National Narcotics Officers' Association Coalitions.

But as we discuss how the program has worked effectively across the country, we must also discuss some of the problems that have led this Administration and some advocacy groups to criticize the program; for example, as Judge Gohmert cited, the tragic and infamous drug operation in Tulia, Texas, the inappropriate use of Byrne/JAG funding for voter fraud prosecutions, and the funding of task forces for ineffective low-level drug arrests, all of which have certainly tarnished the program.

But slashing funding will only jeopardize the hard work our criminal justice community has made in reducing and preventing crime in our communities. Fighting crime should not be done in a

vacuum. There must be a multifaceted approach that includes all parties, local law enforcement, prosecutors, courts, probation, prisoner reentry programs and, most important, prevention to ensure standards and accountability.

Once again, thank you, Mr. Chairman, for holding this hearing. And, as you know, the Senate has already passed this bill by a unanimous consent with 52 co-sponsors, and although Members of this body and groups alike have concerns about the program, I believe we all can work together to ensure accountability and standards for this program.

Thank you very much.

Mr. SCOTT. Thank you.

We have been joined by the gentleman from North Carolina, Mr. Coble, and the gentlelady from Wisconsin, Ms. Baldwin, and would ask that any further comments be placed in the record. By unanimous consent, so ordered.

We have a distinguished panel of witnesses with us today to discuss the bill, H.R. 3546.

Our first witness will be Domingo Herraiz, the director of the Bureau of Justice Assistance, or BJA. BJA supports law enforcement, courts, corrections, treatment, victim services, technology, and prevention initiatives that strengthen the Nation's criminal justice system. He has an undergraduate degree from Iowa University and political science and is currently working toward the completion of a master's degree in public administration from Ohio University.

Our next witness will be Dustin McDaniel, the attorney general for the State of Arkansas, representing the National Association of Attorneys General. He has an extensive history of public service, including service as a uniformed patrol officer in his hometown of Jonesboro, and he was a member of the Arkansas House of Representatives. He obtained a bachelor's degree from the University of Arkansas and has a law degree from the University of Arkansas at Little Rock.

Our next witness will be Mr. James P. Fox, district attorney, San Mateo County, California, and president of the National District Attorneys' Association. He is a career prosecutor serving as a district attorney since 1982. He received both his Bachelor of Science degree in psychology and his juris doctorate from the University of San Francisco.

The next witness will be Sheriff Craig Webre of Lafourche Parish, Louisiana, president of the National Sheriffs' Association. Prior to his election as sheriff, he served his community as an officer with the Thibodaux Police Department and as a Louisiana State trooper. He holds a bachelor's degree in criminal justice and a juris doctorate from Loyola University.

Our next witness will be Ronald C. Rueker who is the director of public safety, City of Sherwood, Oregon, and president of the International Association of Chiefs of Police. He is a graduate of the FBI National Academy, the FBI's National Executive Institute, and the Program for Senior Executives in State and Local Government at the John F. Kennedy School of Government at Harvard.

Our final witness will be Ronald E. Brooks, president of the National Narcotic Officers' Association Coalition, the NNOAC, representing 44 State narcotic officers' associations with combined

membership of over 60,000 law enforcement officers around the Nation. He is a 32-year California law enforcement veteran with 24 of those years being in drug, gang, and violent crime enforcement. He has been the primary investigator, supervisor, or manager for thousands of enforcement operations and has written policies and procedures for managing undercover operations and for managing informants.

Now, for the witnesses, each of your written statements will be made part of the record in its entirety, and I would ask each of you to summarize your statement in 5 minutes or less. To help stay within that time, there is a lighting device on the table which will start off green, go to yellow, and red when 5 minutes are up.

We will begin with Mr. Herraiz.

TESTIMONY OF DOMINGO S. HERRAIZ, DIRECTOR, BUREAU OF JUSTICE ASSISTANCE, UNITED STATES DEPARTMENT OF JUSTICE, WASHINGTON, DC

Mr. HERRAIZ. Chairman Scott, Ranking Member Gohmert, and distinguished Members of the Subcommittee, the Department of Justice appreciates the opportunity to testify today regarding the Edward Byrne Memorial Justice Assistance Program, the Byrne/JAG Program. My name is Domingo Herraiz, and I am the director of the Bureau of Justice Assistance.

As was mentioned, BJA supports law enforcement, courts, correction, treatment, technology, and prevention initiatives that strengthen the Nation's criminal justice system. We emphasize local control, building relationships in the field, providing training and technical assistance, developing collaborations and partnerships, streamlining of grants, encouraging innovation, and communicating the value of justice efforts.

BJA is committed to providing law enforcement and justice partners with the tools to perform their jobs and make America's communities safer. We recognize spending challenges and the need to identify an approach that allows for flexibility in meeting our Nation's law enforcement needs and the ability to adapt to ever-changing crime concerns.

To meet these challenges, the department has focused on targeting resources to the areas with the greatest need where they can do the most good. The President's fiscal year 2009 budget request for more than $1 billion would tackle the Nation's most pressing needs and support top priority initiatives.

One of the most significant changes proposed by the President's budget is the reorganization and consolidation of more than 70 existing grant programs into four multiple-purpose programs: the Violent Crime Reduction Partnership Initiative; the Byrne Public Safety and Protection Program; the Child Safety and Juvenile Program; and the Violence Against Women grants. These new discretionary grants would award funding through a highly competitive grant program.

My testimony today is focus on two of these initiatives, the Violent Crime Reduction Partnership Initiative and the Byrne Public Safety and Protection Program.

Between 1993 and 2005, the violent crime victimization rate declined nearly 60 percent and the property crime victimization rates

declined by more than 50 percent. While the recent FBI Uniform Crime Report data shows fluctuation in rates, the violent crime rate during this Administration is still well below historic levels. Preliminary FBI data also point to a decline in violent crime for the first half of 2007.

Despite these positive trends, challenges still exist. Some regions and communities continue to experience increases in violent crimes. As Attorney General Mukasey recently said, "The nature of crime varies not only from one city to another, but even from one block to the next. So it is at the block level that much of our work has to happen."

The department is following through on the attorney general's commitment to assist State, local, and tribal governments by working with our partners to identify problems and develop meaningful strategies to reduce and deter crime. One outcome of this effort is the Violent Reduction Partnership Initiative based on the department's experience administering the Byrne/JAG Program.

The President's initiative seeks $200 million to build on the most successful aspects of the Byrne/JAG Program to help communities address high crime rates of violent crime by developing multijurisdictional law enforcement partnerships among State, local, tribal, and Federal agencies. These partnerships are designed to disrupt and prevent criminal gang, firearm, and drug activities.

With discretionary funds provided by Congress in fiscal year 2007, we demonstrated this approach with a competitive solicitation to fund task force activities, refine task force activities, with focused strategies, including intelligence that led policing to address specific crime problems. Last fall, BJA awarded more than $75 million to 106 sites in 37 States through this program. With the resources sought by the President's larger budget request of $200 million, we can expand the success and better assist communities as they reduce and prevent violent crime.

This year, the President's budget proposal includes $200 million for a streamlined grant program that would combine the funding streams of several programs into the new Byrne Public Safety and Protection Program. This program consolidates the Office of Justice Program's most effective State and local law enforcement programs into a single, flexible, competitive discretionary grant program for communities to develop solutions based on their priority crime concerns.

Mr. Chairman, the fiscal year 2009 budget proposal would enable the department to continue to work with our State, local, and tribal partners to effectively target Federal assistance to areas with the greatest need. Our goal is to provide communities with the opportunity to decide for themselves how to fight the problems they are facing to support their most critical law enforcement needs.

Law enforcement officers are the country's front line in the fight against crime. They perform dangerous jobs with courage and skill. BJA is committed to working alongside law enforcement and justice partners to provide the best practices and tools to ultimately strengthen the criminal justice system.

Mr. Chairman, thank you again for the opportunity to testify today. I am happy to address any questions you or other Members of the Subcommittee may have.

[The prepared statement of Mr. Herraiz follows:]

PREPARED STATEMENT OF THE HONORABLE DOMINGO S. HERRAIZ

Department of Justice

STATEMENT OF

THE HONORABLE DOMINGO S. HERRAIZ
DIRECTOR
BUREAU OF JUSTICE ASSISTANCE
OFFICE OF JUSTICE PROGRAMS
DEPARTMENT OF JUSTICE

BEFORE THE

COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE ON CRIME, TERRORISM AND HOMELAND SECURITY
UNITED STATES SENATE

ENTITLED

"H.R. 3546, A BILL TO AUTHORIZE THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM AT FISCAL YEAR 2006 LEVELS THROUGH 2012"

PRESENTED

MAY 20, 2008

Chairman Scott, Ranking Member Gohmert, and distinguished Members of the Subcommittee, the Department of Justice appreciates the opportunity to testify today regarding the Edward Byrne Memorial Justice Assistance Grant (Byrne/JAG) Program. My name is Domingo Herraiz and I am the Director of the Bureau of Justice Assistance (BJA). BJA, a component of the Justice Department's Office of Justice Programs (OJP), supports law enforcement, courts, corrections, treatment, victim services, technology, and prevention initiatives that strengthen the nation's criminal justice system. BJA also provides leadership, services, and funding to America's communities by:

- Emphasizing local control;
- Building relationships in the field;
- Providing training and technical assistance in support of efforts to prevent crime, drug abuse, and violence at the national, state, and local levels;
- Developing collaborations and partnerships;
- Promoting capacity building through planning;
- Streamlining the administration of grants;
- Encouraging innovation; and
- Communicating the value of justice efforts to decision makers at every level.

Overall, BJA works in partnership with the entire criminal justice community to identify the most pressing challenges confronting the justice system and provides information sharing tools and assistance, training and coordination, as well as innovative strategies and approaches for dealing with these issues.

BJA is committed to providing our state, local and tribal criminal justice partners with the knowledge, tools, and assistance they need to successfully perform their jobs and make America's communities safer for our citizens. We also recognize, however, the need for spending restraint and that we must make tough choices. We must adopt an approach that allows us flexibility in meeting our nation's law enforcement needs and the ability to adapt to our ever-changing environment. To meet these challenges, the Department has focused on targeting resources to the areas with the greatest need and where they can do the most good. The President's Fiscal Year (FY) 2009 budget request for more than $1 billion, would allow the Department to tackle our nation's most pressing needs and support top priority initiatives.

One of the most significant changes proposed in the President's budget is the reorganization and consolidation of more than 70 existing grant programs into four distinct, multi-purpose grant programs. The four proposed grant programs are 1) the Violent Crime Reduction Partnership Initiative; 2) the Byrne Public Safety and Protection Program; 3) the Child Safety and Juvenile Justice Program; and 4) Violence Against Women Grants. These four new discretionary grant programs would award funding through a highly competitive grant process. My testimony today is focused on the Violent Crime Reduction Partnership and the Byrne Public Safety and Protection Program.

Violent Crime Reduction Partnership

Between 1993 and 2005, the violent crime victimization rate declined nearly 60 percent. During this same period, property crime victimization rates declined by over 50 percent. While recent FBI Uniform Crime Reports data shows some recent fluctuation in crime rates, the violent crime rate during this Administration is still well below recent historical levels. Preliminary FBI data also point to a decline in violent crime for the first half of 2007. Despite these positive trends, many challenges still exist. Some regions and communities continue to experience increases in violent crime. As Attorney General Mukasey recently said, "[T]he nature of crime varies not only from one city to another, but even from one block to the next. So it is at that block level that much of our work has to happen."

The Department is following through on the Attorney General's commitment to assist state, local and tribal governments. We are working with our partners to identify problems and develop meaningful strategies to reduce and deter crime. A product of this effort is the Violent Crime Reduction Partnership Initiative sought by the President's budget, which is based on the Department's experience administering the Byrne/JAG grant program. The President's Violent Crime Reduction Partnership Initiative seeks $200 million to build on this most successful part of the Byrne/JAG program. Funding would be used to help communities address high rates of violent crime by forming and developing effective multi-jurisdictional law enforcement partnerships between local, state, tribal and federal law enforcement agencies. These partnerships are designed to

disrupt criminal gang, firearm and drug activities, particularly those with a multi-jurisdictional dimension.

Last year, with discretionary funds provided by Congress, we demonstrated this approach with a competitive solicitation seeking applications to fund task force activities with focused strategies, including intelligence led policing, to address the specific crime problem represented by a given community or region. In the end, BJA awarded over $75 million to 106 sites in 37 states through this program last fall. With the resources sought by the President's larger request of $200 million, we can expand this success and better assist communities that continue to struggle with violent crime.

Byrne Public Safety and Protection Program

This year, the President's budget proposal includes $200 million for a simplified and streamlined grant program that would combine the funding streams of several programs into the new Byrne Public Safety and Protection Program.

In keeping with the Department's mission "to ensure public safety against threats foreign and domestic," this initiative consolidates OJP's most successful state and local law enforcement assistance programs into a single, flexible, competitive discretionary grant program. This approach would help state, local and tribal governments develop programs appropriate to the particular needs of their jurisdictions. Through the competitive grant process, OJP would continue to assist communities in addressing a

number of high-priority concerns. In addition to state, local and tribal governments, non-government entities will also be eligible for funding under this program.

Mr. Chairman, the FY 2009 budget proposal would enable the Department to continue to work with our state, local and tribal partners to more effectively target federal assistance to areas with the greatest need. It looks a little different from the way we have done things in the past, but our goal is to give communities the opportunity to decide for themselves how to fight the specific public safety problems they are facing and support their most important law enforcement needs. We recognize that change from past practice can be uncomfortable, but it is also motivating. It causes us to think in new ways, and engenders creativity and innovation, which, as you know, are the keys to successful crime-fighting.

Law enforcement officers are our country's front line in the fight against crime, and they perform difficult and dangerous jobs with skill and dedication. For this reason, BJA is committed to continuing our efforts to strengthen our criminal justice system and provide the necessary tools for our state, local and tribal law enforcement partners.

Mr. Chairman, thank you again for the opportunity to testify today. I am happy to address any questions you or other Members of the Subcommittee may have.

Mr. SCOTT. Thank you.
Mr. McDaniel?

TESTIMONY OF THE HONORABLE DUSTIN McDANIEL, NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

Mr. MCDANIEL. Good morning and thank you, Chairman Scott, Congressman Gohmert, and other Members of the Committee for giving me the opportunity to be here today.

I also thank you, Congressman Johnson, for authoring this important legislation.

My name is Dustin McDaniel, and I am the attorney general for the State of Arkansas, and I am here today on behalf of the National Association of Attorneys General, NAAG.

NAAG and each of its individual members across the country strongly urges the reauthorization of the Edward Byrne Memorial Justice Assistant Grant Program. The Nation's attorneys general believe that full funding is critical to State and local law enforcement's ability to maintain public safety as evidenced by a March 2008 letter to Congress from all 56 association members, and if it would please the Chairman, I would like to have a copy of that letter from the 56 attorneys general incorporated into the record as evidence of our strong commitment to this program.

Mr. SCOTT. Without objection, so ordered.

[The information referred to follows:]

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March 3, 2008

Via Facsimile

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Majority Leader
United States Senate
S-221, The Capitol
Washington, D.C. 20510

The Honorable Mitch McConnell
Minority Leader
United States Senate
S-230, The Capitol
Washington, D.C. 20510

To The Leadership of Congress:

We the undersigned Attorneys General, write to express our concern about the severe cuts to the Edward Byrne Justice Assistance Grants (Byrne/JAG) that were contained in the FY 2008 omnibus appropriations bill. We also write to ask that you restore the funding that was cut.

The Senate had funded the FY 2008 Byrne/JAG program at $660 million and the House at $600 million in each of their respective appropriations bills. The omnibus bill that was enacted into law, however, cut the Byrne/JAG program by 67% of its FY 2007 funding level, from $520 million to $170 million. These funding cuts will devastate state law enforcement efforts if they are not restored in this year's supplemental appropriations bill.

Byrne/JAG funds a variety of important programs in every state and territory, including multi-jurisdictional drug enforcement, treatment interventions, police training, technology improvements, crime prevention programs, and crime victims' assistance programs. Byrne/JAG is currently the only source of funding available for multi-jurisdictional drug enforcement, including methamphetamine initiatives, and is critical for drug courts, law enforcement information sharing, gang prevention, and prisoner reentry programs.

Edmund G. Brown, Jr.
Attorney General of California

Joseph R. Biden, III
Attorney General of Delaware

Bill McCollum
Attorney General of Florida

Alicia G. Limtiaco
Attorney General of Guam

Lawrence Wasden
Attorney General of Idaho

Stephen Carter
Attorney General of Indiana

Stephen Six
Attorney General of Kansas

James D. "Buddy" Caldwell
Attorney General of Louisiana

Martha Coakley
Attorney General of Massachusetts

Richard Blumenthal
Attorney General of Connecticut

Peter Nickles
Interim Attorney General of D.C.

Thurbert E. Baker
Attorney General of Georgia

Mark J. Bennett
Attorney General of Hawaii

Lisa Madigan
Attorney General of Illinois

Tom Miller
Attorney General of Iowa

Jack Conway
Attorney General of Kentucky

Douglas Gansler
Attorney General of Maryland

Michael Cox
Attorney General of Michigan

Robert E. Cooper, Jr.
Attorney General of Tennessee

Mark Shurtleff
Attorney General of Utah

Vincent Frazer
Attorney General of Virgin Islands

Rob McKenna
Attorney General of Washington

J.B. Van Hollen
Attorney General of Wisconsin

Greg Abbott
Attorney General of Texas

William H. Sorrell
Attorney General of Vermont

Robert McDonnell
Attorney General of Virginia

Darrell V. McGraw, Jr.
Attorney General of West Virginia

Bruce A. Salzburg
Attorney General of Wyoming

Cc: The Honorable David Obey, Chairman, House Committee on Appropriations;
The Honorable Jerry Lewis, Ranking Member, House Committee on Appropriations;
The Honorable Alan Mollohan, Chairman of the Subcommittee on Commerce, Justice, Science, and Related Agencies;
The Honorable Rodney P. Frelinghuysen, Ranking Member of the Subcommittee on Commerce, Justice, Science, and Related Agencies;
The Honorable Robert C. Byrd, Chairman of the Senate Committee on Appropriations;
The Honorable Thad Cochran, Ranking Member, Senate Committee on Appropriations;
The Honorable Barbara A. Mikulski, Chairman, Senate Committee on Commerce, Justice, Science, and Related Agencies;
The Honorable Richard C. Shelby, Ranking Member, Senate Committee on Commerce, Justice, Science, and Related Agencies

Mr. MCDANIEL. One of the reasons the attorneys general believe that Byrne/JAG funding is of paramount importance is that the most crime prevention efforts occur at the State and local level. Homeland security begins at home. But with State budgets under increasing financial strain, the job is becoming ever more difficult.

Byrne/JAG has played a role in supporting Arkansas' regional drug task forces. In fact, our 19 drug task forces are the primary location for the spending of our State's Byrne/JAG monies. As the Chairman indicated, like any multijurisdictional enterprise, there have been growing pains felt in the implementation of these drug task forces. However, State statutes, local law enforcement techniques, and other evolutions have led to more efficiencies and better effective programs.

I agree with you, Congressman Johnson, supervision and accountability is the answer rather than cutting this funding.

According to prosecutors in Arkansas, last year, nearly 70 percent of Arkansas' crime lab drug submissions were submitted by our State drug task forces. The current multijurisdictional drug task force concept is, in fact, more efficient fiscally and produces better arrests and prosecutions than any other model.

However, when funding was cut by 67 percent in fiscal year 2008, law enforcement agencies across the country were forced to shut down drug and gang task forces and cease funding effective programs.

According to Attorney General J.B. Van Hollen of Wisconsin, funding cuts there projected the loss of more than 21 prosecutors in that State alone. Primarily, those losses were felt in the State's highest crime areas. Milwaukee County alone, the largest prosecutorial unit in Wisconsin, will lose 10 percent of its entire prosecutorial staff.

I believe that failing to reauthorize and fully fund Byrne/JAG is a step in the wrong direction and will leave a void that can only be filled by those who wish to do harm in our communities. In Arkansas, for example, if one compares drug task force related statistics from 2004 when Byrne/JAG funding was higher to 2007 when it was at its lowest, the results are grim.

Since 2004, Arkansas has experienced a 35 percent reduction in the number of cases filed by drug task forces and a 41 percent reduction in the number of arrests made by drug task forces. This occurs at the exact same time that methamphetamine has become an epidemic. Once limited to Southwestern Pacific states, it has taken hold of the entire country, especially in rural America.

Byrne/JAG funding cuts not only impact local law enforcement, but they have also hampered a coordinated effort by law enforcement at all levels of government to seize drugs and prevent drug-related crime. Each year, Byrne/JAG funds more than 4,000 police officers and prosecutors working on more than 750 drug task forces across hundreds of urban and rural counties and cities in all 50 States. This funding has led to more than 22,000 arrests, 54,000 seized weapons, 5.5 million grams of methamphetamine, and the breakup of almost 9,000 methamphetamine labs annually.

The successes of the program are clear, the failures of the program can be addressed, and I hope that Congress and the Administration will renew their commitment to fighting crime and pro-

tecting our communities by reauthorizing and adequately funding this critical program.

Thank you again for allowing me to testify before the Committee.

[The prepared statement of Mr. McDaniel follows:]

PREPARED STATEMENT OF THE HONORABLE DUSTIN MCDANIEL

Testimony of Arkansas Attorney General Dustin McDaniel

Before the House Judiciary Committee's Subcommittee on Crime, Terrorism and Homeland Security
United States House of Representatives

Hearing on "H.R. 3546 to Reauthorize the Edward Byrne Memorial Justice Assistant Grant Program at Fiscal Year 2006 Levels through 2012"

Thank you Chairman Scott, Congressman Gohmert, and members of the Committee for giving me the opportunity to be here today. My name is Dustin McDaniel, and I am the Attorney General for the State of Arkansas. I am here today on behalf of the National Association of Attorneys General (NAAG).

The National Association of Attorneys General is comprised of Attorneys General of the 50 states, the District of Columbia, the Commonwealths of Puerto Rico and the Northern Mariana Islands, and the territories of American Samoa, Guam and the U.S. Virgin Islands. NAAG seeks to assist its members in responding effectively to emerging state and federal issues, and each of its individual members across the country strongly urges the reauthorization of the Edward Byrne Memorial Justice Assistant Grant Program ("Byrne/JAG"). In addition, the Attorneys General believe that fully funding the Byrne/JAG program is absolutely critical to state and local law enforcement's ability to maintain public safety, as is evidenced by a March 2008 letter to Congress from all 56 association members. Additionally, as a former police officer in my home state and as Arkansas's Attorney General, I personally support reauthorization and restoring adequate funding levels to this program. I have seen firsthand the good work done with the

resources the Byrne/JAG provides, as well as the void left in Arkansas by the dollars lost when funding was cut.

One of the reasons the Attorneys General believe that the Byrne/JAG funding is of paramount importance is that the vast majority of all crime prevention efforts occur at the state and local level. The Byrne/JAG funds a variety of important programs in every state and territory, including treatment interventions, police training, technology improvements, crime prevention programs, and crime victims' assistance programs. The Byrne/JAG funds are used to provide salaries and support to School Resource Officers, who prevent a substantial amount of school violence, have positive relationships with students and educators, and improve the reporting of school crimes that otherwise may go unreported to police. Also, the Byrne/JAG is critical for drug courts, law enforcement information sharing, gang prevention, and prisoner reentry programs.

With state budgets under increasing financial strain in the last few years, law enforcement has come to rely upon federal funding through the Byrne/JAG program to provide essential support and resources for fighting and preventing crime. For example, in Nevada, the Byrne/JAG funds The Southern Nevada Community Gang Task Force (SNCGTF), which is comprised of 25 local government agencies and private corporations and supports more than 10 drug task forces, some covering multiple jurisdictions, which are responsible for seizing over 25% of the state's illicit methamphetamine.[1] Last year,

[1] Information provided by Michele Hamilton, Acting Administrator, Nevada Department of Public Safety, Office of Criminal Justice Assistance, December 28, 2007 .

the Byrne/JAG provided the means for the Iowa Drug Task Force to seize more than 3,300 pounds of drugs.

The Byrne/JAG has played a major role in supporting Arkansas's regional drug task forces; in fact, funding drug task forces is the primary use of our state's Byrne/JAG monies. For 2007-2008, the Arkansas Alcohol and Drug Abuse Coordinating Council approved 20 grants out of 35 applicants. The current grants include 19 drug task forces, coordinated by individual judicial districts' prosecuting attorneys that may cover multiple jurisdictions, and the cities of Searcy, Texarkana and Fayetteville. Like any multi-jurisdictional enterprise, there were growing pains felt in implementation of our task forces; however, state statutes and law enforcement techniques have evolved to make our task forces both efficient and effective. Tim Williamson, Prosecuting Attorney for both Polk and Montgomery counties, is only one of many local officials who relies upon the expertise and resources of these drug task forces. He told me the following:

> Drug task forces serve as a force multiplier for rural law enforcement by enhancing basic operations using their investigative experience, collective drug intelligence between agencies in a locale, evidence processing, and other support services. Last year, nearly 70% of Arkansas's crime-lab drug submissions were submitted by our state drug task forces. The current multi-jurisdictional drug-task-force concept is more efficient fiscally and produces better arrest and prosecutions results than any other.

However, when funding for the Byrne/JAG was cut by 67% in FY 2008, law enforcement agencies across the country were forced to shut down multi-jurisdictional drug and gang task forces, lay off police and prosecutors, and cease to fund programs proven to assist drug-addicted citizens to again become productive members of society. For instance, the

Wisconsin District Attorneys Association projects that with the federal funding cuts, the state will lose 21 prosecutors, primarily located in the state's highest crime areas. [2] Milwaukee County alone, the largest prosecutorial unit in Wisconsin, will lose 10 – 16 prosecutors or 10% of its entire prosecutorial staff.[3]

I believe that failing to reauthorize and fully fund the Byrne/JAG is a step in the wrong direction and will leave a void that can only be filled by those who wish to do our communities harm. In Arkansas, for example, if one compares drug task force related statistics from 2004, when the Byrne/JAG funding was at its highest, to 2007, when funding was at its lowest, the results are glaringly grim. Since 2004, Arkansas has experienced a 35% reduction in the number of cases filed by drug task forces and a 41% reduction in the number of arrests made by the drug task forces.[4] According to the Arkansas State Drug Director, Fran Flener, this trend is attributable to a severe reduction in the Byrne/JAG funding for personnel, leading to fewer investigators and fewer arrests.

With a weakened economy, failing to reauthorize and adequately fund the Byrne/JAG program will have significant and far-reaching consequences for our country. Drug-related arrests and drug-related crime continue to increase at an alarming rate. According to the Federal Bureau of Investigation's 2006 Uniform Crime Reporting Program, law enforcement made more arrests for drug abuse violations in 2006 than for any other

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[2] Press release by the Wisconsin Attorney General, J.B. Van Hollen, April 28, 2008, "Van Hollen Fights to Restore Crucial Crime Fighting Funding." Accessed at http://www.doj.state.wi.us/news/2008/nr042808_AG.asp on May 19, 2008..

[3] As cited by Milwaukee County Chief Deputy District Attorney Jon N. Reddin, May 16, 2008, in a telephone briefing with the National Association of Attorneys General.

[4] Arkansas Department of Finance and Administration, Office of Intergovernmental Services, State Drug Task Force Statistical Report, 2007, 2004.

offense.[5] Drug abuse violations accounted for more than 13% of all arrests in 2006.[6] Of primary concern for many states is methamphetamine manufacturing and distribution. In less than a decade, methamphetamine has grown from a problem limited to the Southwest and Pacific regions of the United States to a national epidemic, especially in rural America, where, not coincidentally, crime rates have not fallen on par with urban areas. Methamphetamine is Arkansas's primary drug of concern, as we continue to encounter an upsurge in local production, as well as the importation of methamphetamine produced in Mexico. Chris Harrison, chief illicit lab chemist of our state crime lab, has reported that statewide meth-lab seizures are already up for the year. From January through April of this year, officials seized 133 labs, compared to 118 in the same months of last year.[7]

While funding cuts to the Byrne/JAG have significantly impacted local law enforcement's ability to combat drugs within their own borders, it has also hampered a coordinated effort by law enforcement at all levels of government to seize drugs and prevent drug-related crime. Drug manufacturing and distribution is a global industry that requires an organized, multi-level response. The Byrne/JAG program is the single, sole source of funding for multi-jurisdictional drug task forces which enable federal, state and local law enforcement to collaborate effectively to address complex drug trafficking issues. These multi-jurisdictional drug task forces provide Drug Enforcement Agency-certified meth lab technicians, financial and background investigations, drug organization and

[5] Federal Bureau of Investigation, Crime in the United States 2006, September 2007. Accessed at http://www.fbi.gov/ucr/cius2006/index.html on May 16, 2008.
[6] Ibid.
[7] Harrison, Chris. Personal Interview. 14 May 2005.

distribution analysis, centralized crime lab evidence submissions, telephone and Internet records analysis, and detailed supplemental and follow-up investigations.

It is of national imperative that we not only reauthorize the Byrne/JAG Program, but that we also fund it fully. Each year, the Byrne/JAG funds more than 4,000 police officers and prosecutors working on more than 750 drug task forces across hundreds of urban and rural counties and cities in all 50 states. This funding has led to more than 22,000 arrests, 54,000 weapons seized, 5.5 million grams of methamphetamine seized, and the breakup of almost 9,000 methamphetamine labs annually.[8] The successes of this program are clear, and I hope this committee and Congress will renew its commitment to preventing crime and protecting our communities by reauthorizing and adequately funding the Byrne/JAG program.

[8] Harkin, Tom, et. al. "Letter to the Honorable Robert Byrd and the Honorable Thad Cochran." Published letter. March 26, 2008. Accessed at http://landrieu.senate.gov/news/Byrne_Justice_Grant_letter.pdf on May 16, 2008.

Mr. SCOTT. Thank you, Mr. McDaniel.
Mr. Fox?

TESTIMONY OF JAMES P. FOX, PRESIDENT, NATIONAL DISTRICT ATTORNEYS' ASSOCIATION, ALEXANDRIA, VA

Mr. FOX. Thank you, Chairman Scott, Ranking Member Gohmert, Members of the Committee.

My name is James Fox. I am the district attorney of San Mateo County, California, and the president of the National District Attorneys' Association.

San Mateo County in 1984 recognized the value of a multijurisdictional task force, and we did create the San Mateo County Narcotics Task Force which to this day continues. It was a combined effort for all 20 cities in our county. Our members have a joint powers agreement that has been very, very successful, and, in fact, just last night, our task force was involved in the seizure of over a pound of methamphetamine.

Unfortunately, methamphetamine is an export from California. We are a source State, and that is not something that we are proud of, but it, unfortunately, is a fact.

Prosecutors throughout the country have difficulties in being able to adequately train people. The Byrne/JAG money has been utilized in a number of the States for training of prosecution as well as law enforcement officers, and I think that increased training is something that would go a long way toward addressing the potential abuses of narcotics enforcement because I think that it is rare, but it is definitely important that we receive the resources for the training.

In the State of Pennsylvania, the State prosecutors are solely dependent upon Byrne/JAG funding for the training of the prosecutors in that State. Tennessee—Shelby County, Memphis, Tennessee—the prosecutor in that county has utilized the Byrne/JAG funding to create an anti-truancy program to try to address quality of life and to try to basically do community prosecution. That program would be seriously jeopardized with the reduction that has been proposed.

In Hawaii, the Honolulu district attorney also has a community prosecution program that is solely dependent upon Byrne/JAG funding.

Virginia, prosecutors are dependent upon the funding from Byrne/JAG for limited training that the State prosecutors do receive.

Unfortunately, from the prosecutor's perspective, we have a problem in recruiting and retaining young prosecuting attorneys because education costs have gone up, young people cannot afford to go into public service, and as a result, there is a very, very high turnover for prosecution. That has created a burden upon adequate training for prosecutors.

So it is absolutely imperative that adequate resources be provided to continue the great efforts that had been implemented since the creation of the Byrne/JAG funding. Obviously, we know that there have been pressures to reduce, and we are hopeful that there will be some supplemental appropriations this year because there are programs that, unfortunately, are going to disappear.

Frankly, I think that it would be tragic because, as was said earlier, homeland security begins at home, and we are solely dependent in many areas, especially in the smaller jurisdictions, on this funding.

On behalf of our Nation's prosecutors, I would like to thank the Subcommittee for the opportunity to share my views on the Byrne/JAG funding program, and I would urge the Subcommittee to take the necessary steps to ensure the authorization of Edward Byrne Memorial Justice Assistance Grants at fiscal year 2006 levels through fiscal year 2012.

Thank you very much.

[The prepared statement of Mr. Fox follows:]

PREPARED STATEMENT OF JAMES P. FOX

INTRODUCTION

Chairman Scott, Ranking Member Gohmert and Members of the Subcommittee: My name is James P. Fox and I am the elected district attorney in San Mateo County, California and have served in this capacity for approximately twenty-six years.

I have been involved in the criminal justice system for forty-one years in a variety of positions including juvenile probation, deputy district attorney, criminal defense attorney and elected district attorney in 1982. I am a past President of the California District Attorneys Association and have been a chairman of the Legislative Committee of the California District Attorneys Association since 1990.

I would like to extend my sincere thanks to the Subcommittee for the invitation to testify today. I appreciate the opportunity to share my thoughts and concerns as well as those of my colleagues regarding the successes of the Byrne-JAG program and the probable consequences of continued reductions in program funding.

Currently I serve as the President of the National District Attorneys Association (NDAA). NDAA is the largest and primary professional association of prosecuting attorneys in the United States. Formed in 1950 as the "National Association of County and Prosecuting Attorneys" and given its present name in 1959, NDAA has approximately 7,000 members, including most of the nation's local prosecutors, in addition to, assistant prosecutors, investigators, victim witness advocates and paralegals. The National District Attorneys Association provides professional guidance and support to its members, serves as a resource and education center, follows public policy issues involving criminal justice and law enforcement, and produces a number of publications.

As a representative of the nation's prosecutors and other criminal justice professionals, I am here today to discuss the detrimental impact of reductions to Byrne-JAG funding and to urge this subcommittee to do what is necessary to make certain that the program is authorized at the FY 2006 level ($1.095 billion) through Fiscal Year 2012. The FY08 omnibus appropriations bill cut the Byrne Justice Assistance Grant (Byrne/JAG) program by 67%, from $520 million in FY07 to $170 million in FY08.

The Byrne-JAG program is the only comprehensive federal program to combat criminal activity with an intergovernmental and interstate approach, allowing for increased effectiveness in the responsiveness of the criminal justice system to the development of proactive approaches to interstate and multi-jurisdictional crime. It allows for a true system-wide approach, enabling communities to target resources to their most pressing local needs. It has been particularly critical for the prosecutorial community. Prosecutors across the nation rely on this funding for the training of prosecutors and law enforcement personnel; the dedication of prosecutors to task forces and investigation teams; the development and implementation of crime prevention programs and the creation of innovative programs to reduce recidivism rates. In fact, the Byrne-JAG program is in many instances the only source of funding to support critical multi-jurisdictional task forces and multidisciplinary teams.

If funding for the Byrne-JAG program remains at the reduced FY08 level, prosecutors across the country will lose vital training, investigative tools, personnel and physical resources, the ability to effectively collaborate with other jurisdictions, states and levels of government, and the ability to engage in successful crime prevention efforts.

IMPACT OF CONTINUED FUNDING REDUCTIONS IN THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANTS

CALIFORNIA

In my home state of California continued reductions to the Byrne Justice Assistance Grants program will have a devastating impact on the investigation and prosecution of drug trafficking and various other crimes. A survey of county-specific programs illustrates the importance of this federal funding.

Stanislaus County

The Stanislaus County Drug Enforcement Agency has been an active, successful anti-drug abuse (ADA) task force in existence for more than 34 years. They operate under a supportive Governing Board comprised of all the law enforcement leaders in the community and have participation from every city agency in the county, along with the Sheriff's Department, District Attorney's Office, and Probation Department. As a result of this support and commitment to a safer community through drug suppression efforts, the Stanislaus task force has remained operational despite numerous reductions in grant funding over the past several years.

During the past five years the county has experienced fluctuations in OES Byrne Grant (JAG funding) with decreases in excess of 50%. These reductions resulted in the loss of critical investigator positions on the task force. Further loss of personnel will have a negative impact on operations and could limit the task force's ability to conduct some large-scale investigations. These investigations are a critical component in successfully investigating and identifying DTO's (Drug Trafficking Organizations). This will jeopardize the Stanislaus ADA's success in controlling and eliminating the major drug trafficking organizations responsible for the methamphetamine epidemic throughout Stanislaus County and across the nation.

This essential funding has contributed to recent successes of the anti drug abuse task forces. Early this month after a comprehensive investigation and weeks of surveillance, a methamphetamine super lab was located. Approximately 200 gallons of methamphetamine in solution with an estimated street value of over four million dollars were seized, in addition to firearms. Over the past six months the ADA has arrested several associates of a well known multi-generational drug trafficking organization.

In order for the Stanislaus ADA Enforcement Program to continue operating at the same level of sophistication and success, it is essential that the Byrne Grant program be funded at adequate levels. It is a constant challenge to conduct investigations, which maintain a higher level of sophistication/intelligence than that of the drug trafficking organizations. With a decrease in funding, resulting in a reduction of personnel, the county's investigative abilities will be diminished.

Santa Barbara County

Santa Barbara County has for many years used these funds as the primary funding source for a county-wide narcotics task force. This unit is staffed by officers from law enforcement agencies in the various jurisdictions. Their mission is to target the major offenders, and work in a united effort to benefit the county as a whole. It has been quite successful in the past, but with the decreases in funding the entire program may be in jeopardy. This task force along with other agencies was responsible for implementing the DEC, or drug endangered children, program that has served to focus on the children victims of drug trafficking and abuse. If the funds are further decreased Santa Barbara County may have to eliminate the work of the entire task force. Historically, disbanded task forces are found to be extremely difficult to reassemble in the future when funding is increased.

Santa Clara County

Santa Clara County has two multi-jurisdictional investigative task forces funded with Byrne-JAG grants: the Unified Narcotic Enforcement Team **(UNET)** and the Santa Clara County Specialized Enforcement Team **(SCCSET)**. Nearly every law enforcement agency in Santa Clara and San Benito Counties has law enforcement agents assigned to one of these units. A major crimes regional task force, the South Bay METRO, also operates in both these counties and others, including San Mateo County. The work of these tasks forces and teams significantly reduces the amount of illegal drugs on the county's streets and aids in the capture of regional and local drug traffickers.

These task forces have been doing an excellent job and for smaller local agencies it is the only way they can receive the quality assistance they need in order to make major drug busts. They facilitate the transfer of information across and between local, state and federal jurisdictions and the sharing of best practices among the

participating agencies. Between January 2007 and February 2008, the task forces have seized 15½ pounds of methamphetamine with a street value of over $750,000.00, 5½ pounds of cocaine ($199,000.00), ½ pound of tar heroin ($20,000.00) and 318 dosage units of MDMA (Ecstasy at 10 to 15 dollars per tablet). At least six of these investigations had direct ties to organized crime groups, such as Nuestra Familia, South Vietnamese Gangsters and MS-13. SCCSET also initiated a murder for hire investigation, which resulted in an arrest and conviction of the perpetrator and prevented a homicide.

If Byrne-JAG funds are reduced, it is estimated that these task forces will be cut by a minimum of 67% severely crippling their ability to effectively operate. Law enforcement cannot conduct investigations without funding. The local agencies do not have the manpower or the resources to tackle these problems on their own. The collaborative work must continue and this will in turn reduce the amount of drugs on our streets.

San Bernardino County

In San Bernardino County the Byrne/JAG funds are used to offset designated Street Enforcement and Marijuana Suppression deputy district attorneys. Continued reductions in the Byrne-JAG funding will require that the department's budget de-fund other positions.

Ventura County

Ventura County is fast becoming a supply and distribution point of narcotics for much of the state, as well as the western region (i.e., Oregon, Washington, and Nevada).

During this past year the Ventura County Combined Agency Team (VCAT) noticed an increase in outside agencies conducting narcotic investigations that have led them directly to Ventura County. There have been several occasions where agencies from Los Angeles (LA Impact), Orange County (RSNP), San Bernardino (IRNET), San Diego (Southwest Border HIDTA), and even San Jose (DEA) have contacted investigators in order to advise them that their investigations have ties to Ventura County. Many of these investigations have resulted in the arrests of members belonging to Drug Trafficking Organizations (DTOs), the seizures of narcotics, and the forfeiture of proceeds from these DTOs. Many of the Ventura County investigations have led investigators out of Ventura County and back to these same jurisdictions, i.e., Los Angeles, Orange and San Bernardino counties. In addition, investigations originating in Ventura County have led investigators directly to the source of supply in Baja California (Tijuana) and as far north as the state of Washington.

VCATs primary goal has always been to reduce the impact of illicit drugs within Ventura County. Using a multi-jurisdictional collaborative approach (i.e., VCAT Task Force) has resulted in a great deal of success. For example, within the last few months VCAT has seized over 50 pounds of methamphetamine, 20 kilos of cocaine, 130 pounds of tar heroin, and hundreds of thousands of dollars in narcotic proceeds.

Continued reductions in Byrne JAG funding, coupled with previous years reductions, would significantly impact the county's ability to carry out the types of investigations that are currently being conducting. The expectant result of a reduction in funding would not only impact the narcotic task force and local law enforcement agencies, but more importantly, would no doubt create a concomitant effect resulting in an increase of drugs and crime in communities, counties, states and nation.

Cuts to the funding such as that which occurred in FY 2008 could potentially shut down the task force in Ventura County. At the very least, in order to save any investigative positions all ancillary expenses would need to be eliminated. This would include such things as training, equipment purchases, investigative costs, administrative costs, e.g., office space, copy machines, telephones, etc. In addition, severe cuts would need to be made to overtime, which would impact the quality and outcome of investigations.

With respect to the elimination of training and equipment, the loss of funding in each of these areas would have a catastrophic effect on the task force. Training is used to enhance investigators' knowledge, skills, and abilities. Training provides a source of networking where investigators often meet and discuss the latest DTO trends, case law, threats, and the newest types of surveillance equipment necessary to stay current in the field. Many of the investigations involve the use of cutting edge technology in order to keep pace with the drug trafficking organizations. Without adequate funding and training the task force could not initiate the types of investigations currently being conducted, but instead would be relegated to working street drugs, which has a minimal, if any impact at all on drug trafficking organizations.

Alameda County

In Alameda County the funds from the Byrne JAG program pay for all expenses (with the exception of police salaries) for the Alameda County Narcotics Task Force. In addition, the funding covers the costs associated with dedicating a prosecutor to the task force. Without this funding the District Attorney, due to staffing concerns, would be unable to assign a prosecutor to the task force. If the reductions continue the task force may have to be disbanded. This is the only unit in Alameda County that focuses on midlevel and upper level narcotics traffickers. In Yuba County a prosecutor is also dedicated to the narcotics task force and is in a similar situation as Byrne JAG funds are reduced.

II. ALABAMA

4th Judicial Circuit

Alabama's 4th Judicial Circuit Drug Task Force is funded by the Byrne-JAG program. The 4th Judicial Circuit covers the largest geographical area of any other circuit in the State of Alabama. The total project cost for FY 2008 is currently set at $306,113.45. The state has requested $153,056.72 in Byrne-JAG funds to support this task force.

The Drug Task Force has made a tremendous impact on the drug trade in Alabama's 4th Circuit. The number of violent crimes related to drug activity is down substantially. This is attributed to the focus by law enforcement on the leaders of the narcotics community, the increased quality of investigative skills and improved case preparation. Prosecutors in the state have learned through various reliable and confidential informants that individuals in the narcotics trade fear the abilities of the Task Force to operate and make quality cases that send drug dealers to the state and federal penitentiaries for long periods of time.

The 4th Circuit of Alabama would be adversely affected if the Drug Task Force is eliminated, and without Byrne-JAG assistance, this program would go without sufficient funding, ultimately requiring dissolution of the task force. Drug dealers will return to operating openly, without the fear of being apprehended.

III. ARIZONA

In Arizona, the Arizona Criminal Justice Commission allocates Byrne-JAG funding according to a statewide strategy that also incorporates state and local dollars to maximize the use of public dollars to combat drugs, gangs and violent crime. Together these funds financed 16 narcotics task forces; 15 tandem prosecution programs; funding to courts to correspond with the increased caseload; funding to the state and municipal crime labs to assist with lab work for drug analysis and other related costs; and funding for criminal history records improvement projects. These programs resulted in the seizure of more than 350,000 pounds of illicit drugs; the discovery and dismantling of 16 methamphetamine labs; and the arrest of 5,220 drug offenders.

Due to cuts in Byrne-JAG funding, Arizona's state-funded programs expect to see a decrease from $5.6 million in FY07 to an estimated $1.7 million in FY08. Additionally, the state of Arizona is in fiscal crisis as the state legislature is trying to counter a $1 billion shortfall in revenue. Subsequently, state dollars distributed with Byrne/JAG funds under a state-wide strategic plan are at risk of being swept into the general fund by the legislature, further crippling the state's enhanced drug and gang enforcement program. In *Pima County, AZ,* budget cuts to the Byrne-JAG Grants directly translate to personnel cuts representing one full time attorney position and one team in the narcotics unit comprised of two attorney positions, one paralegal position and one legal secretary position. The current level of staffing is inadequate with attorneys carrying unacceptably high case loads. Further reductions in staffing levels will result in increases in attorney caseloads and a negative impact on the time required to dispose of felony cases.

The U.S. DEA has recognized Arizona as one of the most active drug trafficking corridors in the United States. Given the reduction of the Byrne and JAG funding over the past four years, the Byrne and JAG programs will be reduced to the point of no longer offering effective support. The loss of Byrne funding would result in dismantling of several rural task forces, leaving tens of thousands of miles without coordinated narcotics intervention efforts. Given Arizona's unwanted role as a major trafficking corridor for narcotics smuggled from international origins, the loss of these task forces have implications nationally, not just for Arizona.

IV. HAWAII

Honolulu City & County

The Office of the Prosecuting Attorney (City and County of Honolulu) utilizes Justice Assistance Grants for the Community Prosecution Program and the Drug Court Initiative, programs that assist with both the prevention of crime and the reduction of recidivism rates in this community. Both of these programs have been recognized by the Bureau of Justice Assistance as programs that are effective in addressing the quality of life issues associated with communities and in giving first time drug offenders an alternative to incarceration. The JAG grant funds a prosecutor in each of these areas to spearhead the programs.

The Honolulu Community Prosecution's contributions to the advancement of justice in the community has been nationally recognized with a *2005 Coordination Honor Award* (Truancy Sweeps), *2004 Coordination Honor Award* (Weed and Seed Court), *2003Honorable Mention Award* (Waipahu Juvenile Task Force), and *2000 Judge C. Nils Tavares Award* (for departmental systemic improvements, including community prosecution). In 2007, Honolulu joined forces with other jurisdictions on the *NCJFCJ Methamphetamine Project* in battling the spread of methamphetamine houses across rural America.

The Community Prosecution program remains a key partner in the Methamphetamine Abatement Project sponsored by (NCJFCJ), addressing concerns of the Oahu Neighborhood Boards, participating in the Youth Violence Prevention Initiative of the D.O.E., in accomplishing the mission of the federal Weed and Seed Program, in being a presence around the table to discuss Drug Endangered Children, ensuring the media receives accurate information about Community Prosecution campaigns, presenting the Community Prosecution program to community groups and providing interagency training sessions for other community prosecution partners.

The Justice Assistance Grant funds used in support of the Drug Court assist in the reduction of recidivism rates in the community. Since the inception of Drug Court in 1996, 738 defendants have been served. Of that number, 453 clients have graduated and only 57 have been convicted of new criminal offenses (26 misdemenaors/31 felony convictions). The current recidivism rate is 12.6%.

The loss of Justice Assistance Grant monies would seriously imperil the Office of the Prosecuting Attorney's ability to sustain the successful Community Prosecution program and Drug Court Initiatives.

V. MASSACHUSETTS

In the last four years alone, the Massachusetts District Attorneys and the Massachusetts District Attorneys Association have received more than $2,500,000 in Byrne-JAG funding for initiatives to promote Internet safety, address drug crimes (heroin, oxycontin, methamphetamine), fund apprehension teams for violent fugitives, address underage drinking, and purchase technology hardware and software to link police and district attorney case management systems.

VI. NEW YORK

King County

The King County District Attorney's Office (KCDA) in New York currently receives five separate Byrne grants totaling approximately $1.5 million. These funds are used in not only the investigation and prosecution of narcotics and gang-related criminal enterprises, but in the prosecution of domestic violence cases. Additionally, these funds are used for innovative offender reentry programs like the Drug Treatment Alternatives-to-Prison program, the nation's first prosecution-ruin program to divert prison-bound felony offenders to residential drug treatment.

Recently, an investigation funded, in part by a Byrne grant, made national headlines. These funds were instrumental in KCDA's Operation Final Voyage, an investigation that uncovered an international cocaine smuggling operation between Panama and the port of New York using container ships. This operation resulted in the seizure of cocaine with a street value of $10 million, the indictment of seven Panamanian nationals, and the dismantling of an operation that hoped to supply cocaine to drug dealers throughout the east coast of the United States.

VII. PENNSYLVANIA

The Pennsylvania District Attorneys Institute (PDAI) received $469,035 in Byrne-JAG funding in FY 2007. Most of this funding is used by the Institute to conduct statewide training of prosecutors and law enforcement personnel. In fact, the PDAI is the only source of accredited in-state training for Pennsylvania's 67 district attorneys. This training is critical to most Pennsylvania counties which are predomi-

nantly rural jurisdictions with small prosecutor offices lacking in the necessary resources to provide their own training. While prosecutors could participate in training sponsored by the Pennsylvania Bar Institute, the cost of this training is typically triple that of the PDAI; often geared toward defense counsel; and lacks the prosecutor networking and interactive component that is found in PDAI trainings.

The loss of this funding would devastate PDAI—the Byrne-JAG funding received in FY 2007 covered 50% of payroll, benefits, and overhead for both the PDAI and the Pennsylvania District Attorneys Association. Personnel who work primarily on training courses for the Institute are compensated almost entirely by the Byrne-JAG program. If Byrne-JAG funding is lost or continues to languish, lay-offs and sale of realty would become a necessity. The development of well trained prosecutors and law enforcement personnel will become impossible not only in Pennsylvania but across the nation if these funds continue to be reduced or cut entirely.

VIII. TENNESSEE

Shelby County

A good example of the use of Byrne-JAG funding for prevention purposes is a community outreach program being used in Shelby Count (Memphis). The District Attorney in this county dedicates one staff member (special assistant) to this program which educates the county school students and citizens about the severe consequences of violent crimes committed with guns and the dangers of both gangs and drugs.

The "Do The Right Thing Challenge" implemented in Memphis City and Shelby County schools is an initiative of the National Campaign to Stop Violence, a nonprofit organization, composed of business, community and governmental leaders who have come together to reduce youth violence in communities across America. A reduction in homicides with firearms is in part attributable to the community outreach work done by this special assistant. Additionally, the special assistant is responsible for managing the Mentoring Based Truancy Reduction Program for the District Attorney's Office. Five Memphis City schools participate in the Mentoring Program. In lieu of prosecuting truant students, the District Attorney's Office matches qualified mentors with the truant students. The mentoring program has shown success with the mentored students by their increased school attendance and participation in various community activities with their mentors. The lack of funding for this special assistant position would have a drastic effect on the community. Without JAG funding, the truancy program will not have a manager, causing the program to slow or even cease. The strong message from the District Attorney's Office about the consequences of violent crimes committed with guns, and the dangers of gangs and drugs will unfortunately no longer be communicated to the community.

IX. VIRGINIA

The state of Virginia has received $58,278 of Byrne-JAG funding annually, which has allowed the implementation of critical training programs for prosecutors, which, otherwise, the state would not have had the resources to fund. This funding has and will support drug prosecution training for 20 prosecutors and 20 law enforcement officers each year from 2006–2009. The Drug Prosecution program trains prosecutors and law enforcement to work as teams to more efficiently and effectively prosecute narcotics violations. Additionally, Byrne-JAG funding provides the state with the ability to annually train 40 prosecutor and law enforcement officer teams in the latest techniques to prosecute homicide cases. These programs have been met with significant praise by attendees and have been found to provide much needed guidance for prosecutors and law enforcement officers as they work together to ensure Virginia's communities are crime-free.

The loss of Byrne-JAG funding would put a halt to these trainings in Virginia, which have proven so valuable to prosecutors and law enforcement throughout the state, ultimately stifling their ability to ensure public safety in Virginia's communities.

X. WISCONSIN

Anoka County

With Byrne-JAG funding, Anoka County has dedicated a prosecutor to the county drug task force. The county has found that direct interaction between prosecutors and drug task force members, results in successful drug prosecutions which constitute about one third of the county's caseload. The county has received $49,400 annually in Byrne-JAG funding to finance this task force.

If Byrne-JAG funding is eliminated, there will be less of an emphasis on drug prosecutions and a loss of direct contact with prosecutors during the investigation of drug cases.

CONCLUSION

On behalf of the nation's prosecutors, I would like to thank the Subcommittee for the opportunity to share my views on the Byrne-JAG program and I would urge the Subcommittee to take the necessary steps to ensure the authorization of Edward Byrne Memorial Justice Assistance Grants at the FY 2006 levels ($1.095 billion) through Fiscal Year 2012.

Mr. SCOTT. Thank you, Mr. Fox.

Sheriff Webre?

TESTIMONY OF SHERIFF CRAIG WEBRE, PRESIDENT, NATIONAL SHERIFFS' ORGANIZATION, ALEXANDRIA, VA

Sheriff WEBRE. Good morning, Mr. Chairman and Members of the Committee.

My name is Craig Webre. I am the sheriff of Lafourche Parish, Louisiana, and president of the National Sheriffs' Association, representing over 3,000 elected sheriffs and more than 22,000 law enforcement professionals. I appear before you today to discuss the necessity for Byrne/JAG among State and local law enforcement agencies and the urgent need to reauthorize funding levels through fiscal year 2012.

Sheriffs play a unique role in the criminal justice system. Beyond providing traditional policing services, sheriffs also manage local jails and often provide court security. Over 99 percent of the sheriffs are elected and, oftentimes, serve as the chief law enforcement officers of their counties, giving us a keen understanding of the needs of the criminal justice system in the local communities we serve.

The purpose of Byrne/JAG is to assist State and local law enforcement in combating crime in their communities. Primarily, this task has been accomplished through the establishment of multijurisdictional drug and gang task forces. Additionally, Byrne/JAG funding has been used for community crime prevention programs, substance abuse treatment programs, prosecutorial initiatives, and many other local crime control and prevention programs.

Over the last several years, we have seen dramatic decreases in Byrne/JAG funding from a high of nearly $900 million in fiscal year 2003 to $170 million in fiscal year 2008. The funding cut in fiscal year 2008 Omnibus bill, a 67 percent decrease, represents the most significant funding cut to drug-fighting initiatives in the last 25 years. This will result in as many as half of the longstanding multijurisdictional drug task forces shutting down as of July 1 of this year, and the remaining task forces will face significantly reduced operational effectiveness.

Gangs, drug dealers, and other violent criminals are certain to regain a stronghold in the area of narcotics trafficking and distribution. Moreover, the inability to sustain drug task forces will lead to the loss of veteran members possessing years of institutional knowledge, the loss of intelligence databases, and the loss of informants.

The drastic reduction of Byrne/JAG, and other essential programs, such as COPS, places an insurmountable burden upon State

and local law enforcement. As funding for law enforcement continues to decrease, we continue to see an increase in crime. The numbers are there to prove that this is already happening.

Additionally, assaults on police officers have likewise increased. The level of violence is now bleeding into areas where it has never been seen before. One week ago, I received the now infamous 3 a.m. phone call with the news of a triple homicide that had occurred in Lafourche Parish, a residential bedroom community. Three individuals, who themselves had been arrested in the past by the Lafourche Parish Multijurisdictional Drug Task Force, were ambushed as they sat in a parked vehicle. More than 20 rounds from an AK-47 assault rifle were pumped into the late-model Mustang, and the occupants had no chance to escape from their death chamber.

The cuts to Byrne/JAG could not come at a worst time. Given the fact that hundreds of potentially violent federally convicted drug dealers are being released from prison pursuant to mandates of the U.S. Sentencing Commission, these offenders will soon flood our towns, cities, and counties ready to reestablish their turf.

Some have said that the problems created by street corner drug dealers are limited in scope and, therefore, it is a State and local issue with no role for the Federal Government. The fallacy of this proposition lies in the fact that the success of multijurisdictional task forces in reducing the proliferation of backyard meth labs has resulted in the creation of super meth labs in Mexico and the importation of meth into the United States.

Also, the World Wide Web presents endless opportunities for drugs and illegal substances to be brought into the country from around the world, and highway interdiction units have demonstrated the vast nature of networking of interstate trafficking.

In addition to restoring the fiscal year 2008 funding for Byrne/JAG, I urge Congress to reauthorize funding for Byrne/JAG through fiscal year 2012 in the amount of $1.1 billion per year, which will enable existing task forces to continue operations and the opportunity for new task forces to start up.

I would like to thank Congressman Henry Johnson of Georgia and the 53 co-sponsors for supporting Byrne/JAG and introducing H.R. 3546.

Finally, I would like to propose the Committee give serious consideration to increasing Byrne/JAG allocations to rural communities, which, by my earlier example, now face big city problems. Currently, funding is allocated to each area on the national crime violent reports. Although rural areas may not have violent crime rates competitive with suburban and urban areas, this does not mean that rural areas do not have significant crime problems.

In closing, thank you for the opportunity to come before you this morning and express our concerns. I hope I have conveyed to you the dire situation that sheriffs are faced with across the country and how critical the Byrne/JAG Program is to us and our local and State counterparts.

[The prepared statement of Mr. Webre follows:]

PREPARED STATEMENT OF CRAIG WEBRE

Good morning Mr. Chairman and members of the Committee. My name is Craig Webre and I currently serve as the Sheriff of Lafourche Parish, Louisiana and President of the National Sheriffs' Association. The National Sheriffs' Association represents over 3,000 elected sheriffs across the country and more than 22,000 law enforcement professionals, making us one of the largest law enforcement associations in the Nation. I am pleased to have this opportunity to appear before you today to discuss the necessity for the Byrne JAG program among state and local law enforcement agencies, as well as the urgent need to reauthorize funding levels through Fiscal Year 2012.

As you may be aware, sheriffs play a unique role in our criminal justice system. In addition to providing traditional policing within their respective counties, sheriffs also manage local jails and are responsible for providing court security. Over 99% of the sheriffs are elected and, oftentimes, serve as the chief law enforcement officer of their counties. Consequently, we have a keen understanding of the needs of our criminal justice system, as well as of the local communities we serve.

In the early 1990's, Congress joined in a partnership with local law enforcement to provide assistance with hiring new officers and combating crime throughout the Nation. Unfortunately, in recent years, the federal government has strayed from its commitment to local and State law enforcement, particularly in regards to Byrne JAG.

Byrne JAG is named in memory of Officer Edward Byrne, a rookie with the New York City Police Department. On February 26, 1988, Officer Byrne was protecting the home of a witness in a narcotics case, when he was shot five times in the head at point-blank range by drug dealers. Officer Byrne was only 22 years old when he was murdered.

The purpose of Byrne JAG has been simple: to provide assistance to state and local law enforcement to combat crime in their communities. Primarily, this task has been accomplished through the establishment of multi-jurisdictional drug and gang task forces. Additionally, Byrne JAG funding has been used for community crime prevention programs, substance abuse treatment programs, prosecutorial initiatives, and many other local crime control and prevention programs. Currently, Byrne JAG is the only formula grant program that is available to local law enforcement.

Sheriffs use Byrne JAG funding in a multitude of ways. While the primary usage is to operate the multi-jurisdictional drug task forces, sheriffs also use Byrne JAG to purchase vital law enforcement technology and equipment; to provide crime prevention education to their communities; and to institute School Resource Officers in schools throughout their communities. Byrne JAG has enabled state and local law enforcement to fund many prevention and intervention programs which, while authorized by Congress, have not received specific program funding.

Over the last several years, state and local law enforcement has seen a significant and dramatic decrease in funding for Byrne JAG, from nearly $900 million in FY'03 to $170 million in FY'08. The funding cut in the FY'08 Omnibus Bill slashing Byrne JAG funding from $520 million in FY'07 to the current level of $170 million, a 67% decrease—represents the single, most significant adverse action leveled against crime fighting initiatives in the last 25 years.

The virtual elimination of funding for FY'08 will result in as many as half of the long-standing multi-jurisdictional drug task forces to shut down as of July 1st of this year. The remainder of the task forces will face significantly reduced operational effectiveness. The foreseeable ramifications of these actions will result in gangs and drug dealers and other violent criminals regaining a stronghold in the area of narcotics trafficking and distribution. The inability to sustain multi-jurisdictional task forces will lead to the loss of veteran members who have institutional knowledge, the loss of intelligence databases, and the loss of a network of informants.

Once these vital tools are gone, the doors locked and the lights turned off, it will take years to reestablish and recreate them. The loss of 365 days of funding will create problems that will last for years. In that period of time, the dismantling of proven, productive and successful crime fighting systems will put us at a tremendous disadvantage while giving people in the drug trafficking business the opportunity to do even more harm in our communities.

The drastic reduction of Byrne JAG, as well as other essential law enforcement funding such as the COPS Programs, places an insurmountable burden upon state and local law enforcement—to fight the rise in crime with limited resources. If funding for law enforcement continues to decrease, this country can only expect to see an increase in crime.

The numbers are there to prove that is already happening. We are starting to see an increase in all categories of violent crime. After decades of reductions in violent crime statistics, we can see a direct correlation between funding cuts and the rise in violence. Moreover, assaults on police officers have likewise increased (See attachments, Exhibits 1, 2, 3).

The level of violence is now bleeding into areas where we have never seen it before. One week ago, I received that now infamous "3 AM phone call," with the news of a triple homicide that had occurred in my Parish, in a residential, bedroom community. I have provided photos depicting the graphic and violent nature of their deaths which is becoming increasingly common among individuals in the drug trade.

Three individuals, who themselves had been arrested in the past by the Lafourche Parish Multi-Jurisdictional Task Force, were ambushed as they sat in a parked vehicle. The late model Mustang, belonging to the sister of one of the victims, became the final resting place for Chauncey Adams, Brad Bourda and Terry Hester. More than twenty rounds from an AK-47 assault rifle were pumped into the vehicle—through the windows. Adams, Bourda and Hester had no chance to escape from their death chamber. When the shooting stopped, the interior of the vehicle is best described as something straight out of the "Texas Chainsaw Massacre"—blood and brain matter plastered throughout.

It is often said that drug addicts and drug distributors do not live long enough to collect old age pensions because if the drugs don't kill you, the lifestyle does. One of the suspects in the cold-blooded case I have just described told my detectives just that, quoting here "It's either we gonna kill them, or they gonna kill us." Again, the potential for violence is ramping up, as Washington considers taking away the money to combat the problem.

In the course of the past fifty-years, our criminal justice system's response to combating drugs has evolved from one of primarily deep undercover narcotics enforcement operations resulting in long, harsh jail sentences to one of a comprehensive strategy encompassing prevention, intervention, enforcement and treatment. In particular, we have seen the development of successful drug treatment courts, many of which are funded with Byrne JAG dollars.

The average cost of treating an addict through drug court is $2,000 per year (versus an average of $23,000 for incarceration, according to the Office of National Drug Court Policy) and provides real hope for that person while aiding them to become a law abiding, contributing member of society. Effective, aggressive enforcement of our drug laws is a necessary prerequisite for the success and optimism of drug courts. Hence, if task forces are reduced or disappear completely, you will see a companion reduction in the number of people availing themselves of the assistance drug courts provide in helping addicts turn their lives around.

While there is never a good time to reduce law enforcement funding, the cuts to Byrne JAG could not come at a worse time, given the fact that hundreds of potentially violent convicted drug dealers are being released from prison pursuant to mandates of the U.S. Sentencing Commission. These offenders represent federally convicted drug dealers from the most violent sector of drug offenders and will soon flood our towns, cities and counties ready to reestablish their turf. Moreover, if, as some suspect we are on the brink of a recession, you can rest assured that criminals and drug law offenders will not be taking a recess. The problem will only get worse.

Some have said problems created by the street corner drug dealers are limited in scope and therefore, it is a state and local issue with no role for the Federal government. It is true the impact is felt on a local level, but the source has a national nexus in a number of ways. In part, the success of multi-jurisdictional task forces in reducing the proliferation of backyard meth labs has resulted in the creation of super meth labs in other countries, particularly in Mexico. In turn we are seeing a resulting importation of meth into our country.

Second, the World Wide Web presents another opportunity for drugs and illegal substances to be transported from state to state and to be brought into the country from around the world for ultimate distribution again into our towns, cities and counties. Highway interdiction units have demonstrated the vast nature of the network of interstate trafficking and transportation which again clearly implicates the need for Federal jurisdiction and dollars.

In addition to restoring the FY'08 funding for Byrne JAG, I urge Congress to reauthorize funding for Byrne JAG through Fiscal Year 2012, in the amount of nearly $1.1 billion. The reauthorization of Byrne JAG at $1.1 billion will enable existing task forces to continue operations, and the opportunity for new task forces to start up. I would like to thank Congressman Henry Johnson of Georgia, as well as the 53 cosponsors, for supporting Byrne JAG and for introducing H.R. 3546. However, it is critical Congress understands that while reauthorization of Byrne JAG is im-

portant, Congress must also appropriate funding for Byrne JAG at a more significant level than it has been allocated at in recent years.

Finally, I would like to propose the Committee give serious consideration to increasing Byrne JAG allocations to rural communities which, by my earlier example, now face "big city" problems. Currently, funding is allocated to each area based on national violent crime reports. Although rural areas may not have a violent crime rate competitive with suburban and urban areas, this does not mean that rural areas do not have significant crime problems nor does it mean that they do not rely on the funding. In fact, rural areas may rely on funding from Byrne JAG more than larger areas, as it is the only source of funding which enables the rural area to combat crime.

I want to thank you for the opportunity to come before you and express my concerns. I hope I have conveyed to you the dire situation that sheriffs are faced with across the country and how critical the Byrne JAG program is to us. The strain caused by limited funds for Byrne JAG in the face of increasing violence and drug abuse in our communities should be a major inducement for government and law enforcement alike to share the responsibility for keeping our communities safe.

ATTACHMENTS

Exhibit 1

Exhibit 2

Exhibit 3

Chauncey Adams

Chauncey Kiwan Adams, 31, a native and resident of Larose, died Monday, May 12, 2008.

Funeral service was held at 11 a.m. today at New Mt. Zion Baptist Church in Cut Off, with burial in the church cemetery.

He is survived by his parents, Clarence Davis of Raceland and Lois Adams of Larose; one son, Kiwan L. Cheramie of Larose; one daughter, Kaedyn Lanae' Adams of Raceland; four brothers, Patrick Adams, Zolton Adams, Kevin Davis and Chad Davis, all of Raceland; three sisters, Cassandra Thomas of Larose, Jaronicia Smith of Raceland and Patrice Davis; and his grandparents, Pearlie Adams, Tom Davis and Enola Williams.

Exhibit 4

Brad Bourda

Brad "Sweet" Andrew Bourda, 27, a native and resident of Larose, died Monday, May 12, 2008.

Funeral service was held at 11 a.m. today at New Mt. Zion Baptist Church in Cut Off, with burial in Morning Star Baptist Church Cemetery in Raceland.

He is survived by his companion, Chelsie Hebert of Larose; his parents, Doris and Sidney Cyril Bourda Sr. of Larose; two sons, Braxton Bourda of Larose and Ja'Quam Cooper of Raceland; one daughter, Quendon Claire Bourda of Larose; two brothers, Sidney Cryil Bourda Jr. of Larose and Tyrone Ingram of New Orleans; three sisters, Tameka Bourda and Shaina Bourda of Larose and Vonda Robertson of Franklin; and his grandmother, Rose dell Adams of Raceland.

He was preceded in death by his grandparents, Agnes Bourda, Louis Bourda and Daniel Adams. He was a Baptist.

Exhibit 5

Terry Hester

Terry "Crum" Leonard Hester, 23, a native of Raceland and resident of Larose, died Monday, May 12, 2008.

Funeral service was held at 11 a.m. today at New Mt. Zion Baptist Church in Cut Off, with burial in Morning Star Baptist Church Cemetery in Raceland.

He is survived by his fiancee', Shaina Bourda of Larose; his parents, Shelia Hester of Houma and Henry Bell of Baton Rouge; one daughter, Ah'myren Washington of Raceland; seven brothers, Calvin Hester, Jamie Hester, Joseph Hester, Tony Hester, Daniel Turner and Randy Turner, all of Houma, and Tyrone Bell of California; two sisters, Danisha Williams of Cut Off and Latonya Turner of Houma; and his grandmothers, Genevia Hester of Raceland and Mary Bell of Larose.

He was preceded in death by his grandfathers, Henry Bell Sr. and Norman Hester. He was Baptist.

Exhibit 6

Mr. SCOTT. Thank you, Mr. Webre.

Director Rueker?

TESTIMONY OF RONALD C. RUEKER, PRESIDENT, INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE, ALEXANDRIA, VA

Mr. RUEKER. Good morning. Good morning, Chairman Scott, Ranking Member Gohmert, and Members of the Subcommittee.

My name is Ronald Rueker, and I am the director of public safety for the City of Sherwood, Oregon. I also serve as president of the International Association of Chiefs of Police.

I appreciate the opportunity to be here with my distinguished colleagues today to discuss this critical issue facing State, tribal, and local law enforcement agencies. In the United States, there are more than 18,000 law enforcement agencies and well over 700,000 officers who patrol our State highways and the streets of our communities each and every day.

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

Yet, despite the best efforts of our Nation's law enforcement officers, the disturbing truth is that each year in the United States, well over a million of our fellow citizens are victims of violent crime. Unfortunately, in the last 2 years, we have seen a steady increase in the rate of violent crime in the United States in some communities, and while there are many different theories as to why violent crime is increasing in these communities after years of often double-digit declines, there is one fact that all can agree upon: no place is immune.

What were once considered problems of our major metropolitan areas—drug addiction and distribution, violent crime, gangs, and poverty—have migrated to suburban and even rural locations. According to the FBI Uniform Crime Report, cities with populations from 25,000 to 50,000 are seeing the fastest-growing incidents, and from 2004 through 2006, the violent crime rate in these communities rose by more than 7 percent. In towns with populations from 10,000 to 25,000, the homicide rate went up by 9.4 percent over the same 2-year period.

It is telling that this increase in crime in America, violent and otherwise, corresponds to the substantial decline in funding for local and State law enforcement from Federal Government assistance programs. In the years since 2003, the very programs that allowed State, tribal, and local law enforcement to combat crime in our communities, such as the Edward Byrne Memorial Justice Assistance Grant Program, have suffered significant budget reductions, and, as has been mentioned, in the fiscal year 2008 Omnibus, Byrne and JAG was funded at just $170 million, a decrease of 68 percent.

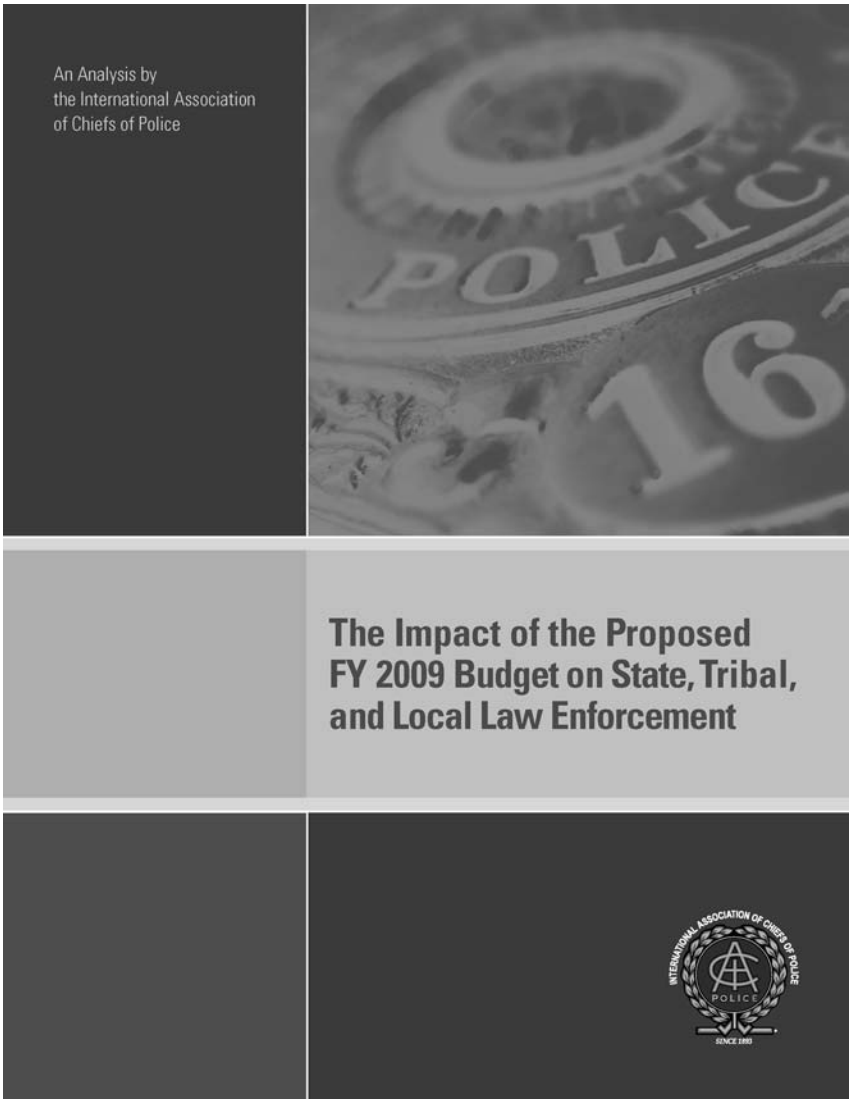
Additionally, the Administration's fiscal year 2009 budget proposal calls for the complete elimination of the Byrne program. Regrettably, these cuts only continue a trend that began in fiscal year

2003 of significant funding reductions for law enforcement assistance funding at the Department of Justice. In fact, when compared to the fiscal year 2002 funding level of $3.8 billion, the Administration's fiscal year 2009 proposal represents a reduction of more than $3.4 billion, or 90 percent.

I will not go into a complete analysis of the budget, but if it is your pleasure, Mr. Chairman, I would like to submit a copy of the IACP's Budget Analysis for the record.

Mr. SCOTT. Without objection, so ordered.

[The information referred to follows:]



Executive Summary

On February 4, 2008, the administration released its proposed budget for the 2009 fiscal year (FY). State, tribal, and local law enforcement assistance programs did not fare well in the proposed budget. Overall, funding levels for the assistance programs that are designed to assist state, tribal, and local law enforcement agencies in their efforts to combat crime and terrorism were reduced by nearly **$1.98 billion, or 60 percent, when compared to FY 2008.**

Key Findings

- **In FY 2008, the two primary law enforcement assistance programs at the Department of Justice (JAG, COPS) received $757 million. The administration's budget would eliminate funding for both of these crucial programs.**
- **When compared to the FY 2002 funding levels, the administration's FY 2009 proposal for all state, tribal, and local law enforcement assistance programs at the Department of Justice represents a reduction of more than $3.4 billion, or 90 percent.**
- **The proposed budget would slash funding for law enforcement assistance programs at the Department of Homeland Security by nearly $750 million, a decrease of 42 percent.**
- **When compared with historical funding levels for the primary state, tribal, and local law enforcement programs, the proposed cuts become even more troublesome. In 1999, law enforcement assistance programs received $2.79 billion in funding. In 2009, the proposed funding level is $1.38 billion. That is a decrease of $1.41 billion, a decline of 50 percent!**

IACP Viewpoint

After a careful review of the proposed FY 2009 budget, the IACP has determined that the proposed reduction in critical law enforcement assistance programs at the Department of Justice and the Department of Homeland Security has the potential to cripple the ability of state, tribal, and local law enforcement agencies to protect our communities from both traditional acts of crime and violence and the menace of terrorism.

In addition to financial difficulties that the proposed FY 2009 budget poses, state, tribal, and local law enforcement agencies are confronted by additional challenges, such as the critical need for effective and efficient information sharing; enhancing the public's impression of the criminal justice system; reducing the threat posed to law enforcement officers by assault weapons and the illegal use of firearms; and a growing difficulty in recruiting and retaining qualified law enforcement officers.

IACP Recommendations:

In response to the proposed FY 2009 budget and to address the other critical issues confronting our nation's law enforcement community, the International Association of Chiefs of Police calls on Congress to take the following actions:

- **Establish a Law Enforcement and Terrorism Prevention Trust Fund**
- **Fully fund the Byrne Justice Assistance Grant Program at $1.1 billion**
- **Fully fund the Community Oriented Policing Service (COPS) Program at $1.05 billion**
- **Fully fund the Law Enforcement Terrorism Prevention Program (LETPP) at $500 million**
- **Promote information and intelligence sharing**
- **Establish a National Commission on Law Enforcement and the Administration of Justice**
- **Enhance police recruitment and retention**
- **Target illegal firearms trafficking**
- **Establish a Certified Officers Clearinghouse**

The Challenges Confronting Law Enforcement in the United States

2006 CRIME CLOCK

Every 22.2 seconds	One Violent Crime
Every 30.9 minutes	One Murder
Every 5.7 minutes	One Forcible Rape
Every 1.2 minutes	One Robbery
Every 36.6 seconds	One Aggravated Assault

Every 3.2 seconds	One Property Crime
Every 14.4 seconds	One Burglary
Every 4.8 seconds	One Larceny-theft
Every 26.4 seconds	One Motor Vehicle Theft

Source: www.fbi.gov

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

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

Yet, despite the best efforts of our nation's law enforcement officers, the disturbing truth is that in 2006, over 1.4 million of our fellow citizens were victims of violent crime, and more than 9 million citizens were victims of property crimes. According to the Federal Bureau of Investigation's "Crime Clock," a violent crime is committed every 22.2 seconds; a property crime, every 3.2 seconds.

In addition, while crime rates fluctuate from jurisdiction to jurisdiction, all communities share one fact in common: no place is immune from crime and violence. What were once considered "urban" problems—drug addiction and distribution, violent crime, gangs, and poverty—have migrated to suburban and even rural locations.

Given these facts, it is clear that state, tribal, and local law enforcement agencies continue to face a difficult and demanding challenge in combating crime and fulfilling their sworn duty to protect the public.

Unfortunately, instead of increasing assistance to state, tribal, and local law enforcement at this challenging time, we have witnessed a steady and substantial decline in funding for federal government assistance programs. Today, police departments throughout the nation have far fewer officers and resources than they did in the 1990s.

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

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

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

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

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

For 6½ years, law enforcement agencies and officers have willingly made the sacrifices necessary to meet the challenges of fighting both crime and terrorism. They have done so because they understand the importance of and remain committed to fulfilling their mission of protecting the public. But the expenditure of resources necessary to maintain this effort have left many police departments in a financial situation so dire that their ability to provide the services their citizens expect, and deserve, has been threatened.

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

Unfortunately, as the IACP analysis makes clear, the cuts contained in the proposed FY 2009 budget have the potential to cripple the capabilities of law enforcement agencies nationwide and force many departments to take officers off the streets, leading to more crime and violence in our hometowns and, ultimately, less security for our homeland.

This document is designed to serve two purposes: first, it provides an overview and an analysis of the proposed FY 2009 budget and its impact on state, tribal, and local law enforcement agencies. Second, it contains a law enforcement action agenda containing several recommendations for congressional action that will, if enacted, greatly assist state, tribal, and local law enforcement communities in their daily efforts to protect the citizens of our hometowns from the horrors of both violent crime and terrorism.

Overview of the Proposed FY 2009 Budget

On February 4, 2008, the administration released its proposed budget for FY 2009. State, tribal, and local law enforcement assistance programs did not fare well in the proposed budget. Overall, funding levels for the primary assistance programs that are designed to assist state and local law enforcement agencies in their efforts to combat crime and terrorism were reduced by **$1.98 billion, or 60 percent, when compared to FY 2008.**

Department Of Justice Programs

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

As in previous budget submissions, funding for the JAG Program, which was established two years ago by combining the Byrne grant program and the Local Law Enforcement Block Grant Program, **was completely eliminated**.

In addition, the administration also **proposed elimination of the COPS program**. This program was funded at $587 million in FY 2008.

In total, in FY 2008, these two primary law enforcement assistance programs received $757 million.

Comparison of FY 2008 and Proposed FY 2009 Funding Levels

Program	FY 2008	Proposed FY 2009	Change from FY 2008	Percent Change
COPS	$587 Million	$0	-$587 Million	-100%
JAG	$170 Million	$0	-$170 Million	-100%
Total	$757 Million	$0	-$757 Million	-100%

Furthermore, the administration also proposed the elimination of 28 additional programs that support state, tribal, and local crime-fighting efforts. Broadly characterized as State and Local Law Enforcement Assistance, these programs include the following:

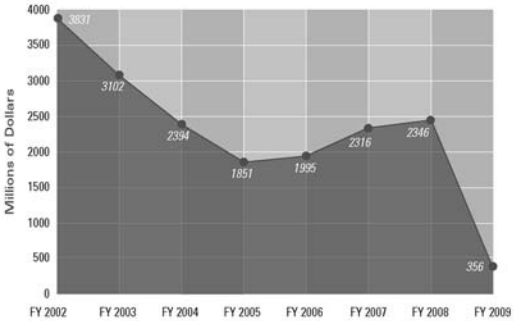
- State Criminal Alien Assistance Program
- Tribal Courts Initiative
- Drug Courts
- Prescription Drug Monitoring
- Cannabis Eradication
- Improving State and Local Law Enforcement Intelligence Capabilities
- Southwest Border Prosecutors Program
- Indian Country Grant Program

In FY 2008, these programs were funded at approximately $1.58 billion. Combining the funding level of these programs with the JAG and COPS programs brings the total for FY 2008 state, tribal, and local law enforcement assistance to $2.33 billion.

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

According to the proposed budget, the VCRPI will *"support communities suffering from high rates of violent crime to address this problem by forming and developing effective multi-jurisdictional law enforcement partnerships between Federal, state, and local law enforcement agencies."*

Funding Levels for State, Tribal and Local Law Enforcement Assistance FY 2002–FY 2009



The BPSP represents the consolidation of many of the previous state, tribal, and local law enforcement assistance programs into a *"single, flexible grant program"* that will assist law enforcement agencies in addressing needs in their particular jurisdictions.

Unfortunately, both the VCRPI and the BPSP are funded at levels far beneath FY 2008 funding levels for existing programs. The administration has proposed $178 million for the VCRPI and $178 million for the BPSP, for a combined total of $356 million. All told, these cuts to the Byrne-JAG, COPS, and other law enforcement assistance programs total more than $1.98 billion when compared with FY 2008 funding levels.

Regrettably, these proposed cuts only continue a trend that began in FY 2003 of significant reductions in law enforcement assistance funding at the Department of Justice. As shown in the chart above, when compared to FY 2002 funding levels, the administration's FY 2008 proposal represents a reduction of more than $3.4 billion, or 90 percent. As the chart notes, in FY 2006, FY 2007, and FY 2008, funding levels for these programs saw moderate increases from the previous year's levels. However, the FY 2007 and 2008 levels of $2.3 billion remain $1.5 billion below FY 2002 levels.

Department of Homeland Security

Overall, the proposed FY 2009 budget for the Department of Homeland Security calls for a reduction in funding for the three primary assistance programs from which law enforcement agencies are eligible to obtain funds: the State Homeland Security Grant Program (SHSG), the Law Enforcement Terrorism Prevention Program (LETPP), and the Urban Areas Security Initiative (UASI). Combined, these three programs received $1.769 billion last year. **The proposed budget would allocate $1.025 billion for these programs, a decrease of 42 percent.**

Comparison of FY 2008 and Proposed FY 2009 Funding Levels

Program	FY 2008	Proposed FY 2009	Change From FY 2008	Percentage Change
SHSG	$712 Million	$200 Million	-$512 Million	-72%
UASI	$615 Million	$825 Million	+210 Million	+34%
LETPP	$442 Million	$0	-$442 Million	-100%
Total	$1.769 Billion	$1.025 Billion	-$744 Million	-42%

The proposed budget would slash funding for State Homeland Security Grant funds from a FY 2008 level of $712 million to a proposed FY 2009 level of $200 million, a decrease of $512 million, or 72 percent. These funds are distributed to the states on a formula basis, 80 percent of which must be passed on to local governments. However, it is important to remember that these funds are not designated solely for law enforcement use but rather can be used to fund a wide range of other public safety agencies, like fire departments and EMS, that have responsibilities related to preparing or responding to terrorist attacks.

The budget *does* include a proposed increase in funding for the UASI program from $615 million to $825 million, an increase of $210 million, or 34 percent. This program allocates funds to urban areas selected by the Department of Homeland Security based on a formula that takes into account factors such as critical infrastructure, population density, and credible threat information. As a result, most law enforcement agencies are not eligible to receive funds under the urban area grant program and will be forced to compete for funding assistance under the SHSG program.

However, the FY 2009 budget proposed eliminating the Law Enforcement Terrorism Prevention Program (LETPP) as a separate program. (LETPP funds are designated solely for the use of state, tribal, and local law enforcement agencies.) Instead, the proposed budget mandates that 25 percent of the SHSG funds and 25 percent of the UASI funds be set aside for terrorism prevention activities that were previously funded under the LETPP. Using this formula, $256 million would be allocated to prevention activities ($206 million of which would be available only to a limited number of UASI localities). $256 million represents a cut of $186 million, or 42 percent, from FY 2008 levels.

Combined Funding For DOJ/DHS

When combined, the proposed FY 2009 funding level for existing DOJ /DHS assistance programs is $1.38 billion. **This is a reduction of $2.72 billion, or 66 percent, from the combined FY 2008 level of $4.106 billion.**

Proposed FY 2009 Budget Vs. Historical Funding Levels

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

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

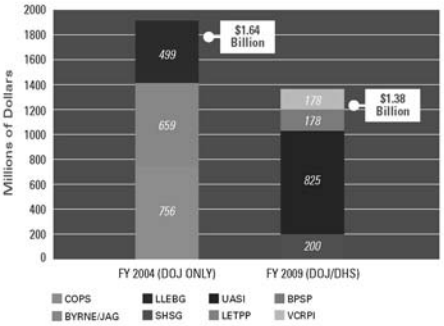
Proponents of these reductions have argued that law enforcement agencies should not be concerned about these reductions because any loss in funds is offset by large increases in assistance programs at the Department of Homeland Security.

However, as the charts to the right demonstrate, that is simply not true. In FY 2004, $1.64 billion was appropriated for law enforcement assistance programs at the Department of Justice. In addition, grant programs at the Department of Homeland Security received an additional $3.06 billion, for a DOJ/DHS combined total of $4.706 billion.

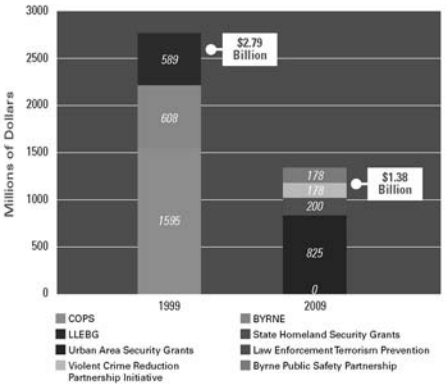
By contrast, in FY 2009, the administration has proposed providing just $1.38 billion for the combined DOJ/DHS assistance programs. This request is $260 million less than was received by just the DOJ programs in 2004!

An even more troubling perspective on these funding proposals becomes apparent when comparing the proposed FY 2008 levels to those of FY 1999. In 1999, law enforcement assistance programs at the Department of Justice (COPS, the Local Law Enforcement Block Grant Program, and the Edward Byrne Memorial Grant Program) received $2.79 billion in funding. In FY 2009, the administration has proposed funding the law enforcement assistance programs at the Department of Homeland Security and the Department of Justice programs at a combined level of $1.38 billion. **That is a decrease of $1.41 billion, a decline of 56 percent!**

Law Enforcement Assistance Funding FY 2004 v. FY 2009



Law Enforcement Assistance Funding FY 1999 v. FY 2009



IACP Viewpoint

After a careful review of the proposed FY 2009 budget, the IACP has determined that the proposed reduction in critical law enforcement assistance programs at the Department of Justice and the Department of Homeland Security has the potential to cripple the ability of state, tribal, and local law enforcement agencies to protect our communities from both traditional acts of crime and violence and the menace of terrorism.

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

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

In addition to the financial difficulties that the proposed FY 2009 budget poses, state, tribal, and local law enforcement agencies are confronted by additional challenges such as the critical need to establish effective and efficient information sharing; enhancing the public's impression of the criminal justice system; reducing the threat posed to law enforcement officers by assault weapons and the illegal use of firearms; and a growing difficulty in recruiting and retaining qualified law enforcement officers.

In response to the proposed FY 2009 budget and to address the other critical issues confronting our nation's law enforcement community, the International Association of Chiefs of Police has developed a Law Enforcement Action Agenda for the 110th Congress that details the steps that Congress and the administration can take in order to provide state, tribal, and local law enforcement agencies with the tools and resources they need to combat rising crime rates in our nation and confront the menace of terrorism in our communities.

Law Enforcement Action Agenda for the 110th Congress

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

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

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

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

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

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

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

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

  - Assisting law enforcement agencies in the hiring of more than 118,000 officers. Of this total, 6,500 have been school resource officers.
  - Providing more than 36,000 technology grants to help law enforcement agencies procure advanced technologies such as in-car computers and cameras, computer-aided dispatch systems, and laptop computers.
  - Providing more than $257 million to help local law enforcement agencies improve interoperable communication.
  - Providing more than $385 million to help state and local law enforcement combat methamphetamine use and clean-up methamphetamine lab sites.

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

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

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

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

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

- **Promote Information and Intelligence Sharing**

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

  As part of this effort, the IACP calls on Congress to support strongly the National Strategy for Information Sharing. This document, developed with substantial input from the IACP and the state, tribal, and local law enforcement community, embraces many important concepts that are critical to the success of our continuing national effort to combat terrorism. Foremost among these is the recognition that the participation of state, tribal, and local law enforcement agencies is vital to the ability to detect, deter, disrupt, prevent, and apprehend terrorists before they can strike. As the National Strategy properly declares, state, tribal, and local officials are "full and trusted partners with the Federal Government" and as a result require "timely, credible, and actionable information and intelligence about individuals and organizations intending to carry out attacks within the United States."

  The IACP is also pleased that the National Strategy calls on the federal government to provide states and major urban areas with the assistance necessary not only to establish fusion centers but also to provide them with the continuing support necessary to meet the long-term intelligence- and information-sharing needs of the law enforcement community. These fusion centers will play a vital role in ensuring that law enforcement agencies throughout the nation have the information necessary to protect our communities from the dual specters of terrorism and crime.

  In addition, the vast majority of usable information resides in local and state databases. Unfortunately, most databases are proprietary, standalone systems, with little information exchanged. A national architecture that will allow law enforcement databases to share information with local, tribal, state, and federal agencies is essential in making our hometowns safe and are homeland secure.

The National Data Exchange system (N-DEx) offers this capability. After years of development by a committee composed of all stakeholders, the hub of N-DEx is being implemented through the FBI's CJIS division. Although funding has been secured for the hub, connectivity that will allow local, state, and tribal agencies to participate has not. It is critical that a national funding stream be established in order to capitalize on the vast majority of criminal justice information that resides in local, state, and tribal law enforcement agencies. The IACP urges Congress to fully fund this connectivity, in concert with the National Strategy for Information Sharing.

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

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

In 1965, President Lyndon B. Johnson established the Commission on Law Enforcement and Administration of Justice, recognizing, as he said, "the urgency of the nation's crime problem." The commission labored for 1½ years, producing 200 specific recommendations involving federal, state, tribal, and local governments; civic organizations; religious institutions; business groups; and individual citizens that were intended to create a safer and more just society.

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

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

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

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

- **Enhance Police Recruitment and Retention**

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

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

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

- **Target Illegal Firearms Trafficking**

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

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

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

- **Establish a Certified Officers Clearinghouse**

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

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

The International Association of Chiefs of Police

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

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

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

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

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

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

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Mr. RUEKER. Thank you.

I would, however, like to express the IACP's profound concern over the impact that these cuts have had on the Byrne and JAG. It is the IACP's belief that the Byrne and JAG Program played an integral role in our ability to combat crime and protect our communities.

For example, as is mentioned in my written statement, the value of Byrne and JAG Program was aptly demonstrated earlier this year when 41 State drug enforcement agencies participated in Operation Byrne Blitz, a 1-day enforcement effort which resulted in the arrest of 4,220 individuals and seizure of vast quantities of illicit narcotics.

This successful effort was made possible by the Byrne and JAG funds provided to State, tribal, and local law enforcement agencies with the necessary resources to partner successfully. Unfortunately, if the Byrne and JAG Program is severely reduced or eliminated, the effectiveness of proven and successful law enforcement in crime reduction programs will suffer.

For example, in my home State of Oregon, if the Byrne and JAG funds continue to decline as they have in years past, these programs will be severely reduced or eliminated: all six of our multijurisdictional drug task forces that cover all of Oregon's 36 counties—these task forces target those engaged in the production, distribution, and the use of methamphetamine, heroin, marijuana, crack cocaine, and ecstasy; four of our most successful domestic and family violence prevention programs; two alcohol and drug treatment programs; 11 drug court programs; four juvenile justice prevention programs.

In addition, some agencies in the U.S. will no longer be able to afford sobriety checkpoint equipment, portable radios, less-than-lethal technologies, and training materials and equipment. Simply stated, reductions to the Byrne and JAG Program have the potential to weaken severely the capabilities of law enforcement agencies nationwide, reducing their ability to mount aggressive and effective crime prevention and crime reduction programs. Sadly, this will undoubtedly lead to more crime and violence in our hometowns.

Thank you for your time, Mr. Chairman. I would be pleased to answer any questions you or the Members of the Subcommittee may have.

[The prepared statement of Mr. Rueker follows:]

PREPARED STATEMENT OF RONALD C. RUECKER

INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE

TESTIMONY

Statement of

Ronald C. Ruecker

President
International Association of Chiefs of Police

before the

Committee on the Judiciary
Subcommittee on Crime, Terrorism and
Homeland Security

United States House of Representatives

May 20, 2008

Good morning Mr. Chairman:

My name is Ron Ruecker and I am the Director of the Division of Public Safety in Sherwood, Oregon. I also serve as the President of the International Association of Chiefs of Police. I appreciate the opportunity to be here today to discuss this critical issue facing state, tribal, and local law enforcement agencies.

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

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

Yet, despite the best efforts of our nation's law enforcement officers, the disturbing truth is that each year in the United States, well over a million of our fellow citizens are victims of violent

crime. Unfortunately, in the last two years we have seen a steady increase in the rate of violent crime in the United States in some communities.

While there are many different theories as to why violent crime is increasing in these communities after years of often double-digit declines, there is one fact that all can agree upon: no place is immune. What were once considered problems of only major metropolitan areas—drug addiction and distribution, violent crime, gangs, and poverty—have migrated to suburban and even rural locations.

According to the FBI Uniform Crime Report for 2006, cities with populations 25,000 to 50,000 are seeing the fastest growing incidents. From 2004 through 2006, the violent crime rate in these communities rose by more than seven percent. In towns with populations from 10,000 to 25,000 the homicide rate went up by 9.4 percent over the same two-year period.

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

In the years since 2001, the very programs that allowed state, tribal, and local law enforcement to combat crime in our communities, such as the Edward Byrne Memorial Justice Assistance Grant Program, have suffered significant budget reductions. This is both unfortunate and shortsighted because this program has consistently demonstrated its value by providing critical resources to the state, tribal, and local law enforcement community. By reducing funding for Byrne-JAG, Congress and the Administration have significantly reduced the ability of law enforcement agencies to combat both crime and terrorism. The simple truth is that today, police departments throughout the nation have significantly fewer resources to combat crime than they did in 1990s.

Unfortunately, in the FY 2008 Omnibus, Byrne-JAG funding was funded at just $170 million, a decrease of 68 percent. Additionally, the Administration's FY 2009 budget proposal calls for the complete elimination of Byrne grant funding.

Regrettably, these cuts only continue a trend that began in FY 2003 of significant funding reductions for law enforcement assistance funding at the Department of Justice. In fact, when compared to

the FY 2002 funding level of $3.8 billion, the Administration's FY 2009 proposal represents a reduction of more than $3.4 billion or 90 percent.

I won't go into a complete analysis of the proposed budget, but instead I would like to submit a copy of the IACP's Budget Analysis for the record. I would, however, like to express the IACP's profound concern over the impact these cuts have had on the Byrne-JAG program.

It is the IACP's belief that the Byrne-JAG Program played an integral role in our ability to reduce crime rates in the past. By providing law enforcement agencies with the necessary resources, training, and assistance, the Byrne-JAG Program has become an invaluable ally to state, tribal, and local law enforcement agencies. It is this fact that makes the current situation completely unacceptable not only to the nation's entire law enforcement community, but also to the citizens we are sworn to protect.

For example, in my home state of Oregon, if Byrne-JAG funds continue to decline as in years past, these programs will be severely reduced or eliminated:

- All six of our multi-jurisdictional drug task forces that cover all of Oregon's 36 counties;
- Four of our most successful domestic and family violence prevention programs;
- Two alcohol and drug treatment programs;
- 11 drug court programs; and
- Four juvenile violence prevention programs.

In addition, some agencies will no longer be able to afford sobriety check point equipment, portable radios, less-than-lethal technologies, and training materials and equipment.

To give you a national perspective of the impact of Byrne-JAG funding, on March 7 of this year, 41 state drug enforcement agencies participated in a one day effort called "Operation Byrne Blitz" that resulted in the arrests of 4,220 individuals.

The operation also yielded the seizure of

- 20,851 pounds of marijuana;
- 1,749 pounds of cocaine;
- 120 pounds of methamphetamine;
- 6,973 pharmaceutical pills; and
- 13,244 ecstasy pills.

"Operation Byrne Blitz" also seized

- 105 methamphetamine labs;
- 666 firearms; and $13,463,832.00 in U.S. currency.

Finally, 228 children were determined to be endangered and those cases were referred to the appropriate child protection agency.

All of this was made possible by the funds provided by the Byrne-JAG program.

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

This must not continue. If our efforts to reduce crime and promote homeland security are to have any chance of succeeding, it is

absolutely vital for Congress and the Administration to make the necessary resources available that will allow America's first line of defense—law enforcement—to mount effective anticrime programs to protect our communities.

Unfortunately, reductions to the Byrne-JAG Program have the potential to weaken severely the capabilities of law enforcement agencies nationwide, reducing their ability to mount aggressive and effective crime prevention and crime reduction programs. Sadly, this will undoubtedly lead to more crime and violence in our hometowns.

Thank you for you time. I am pleased to answer any questions you may have.

Mr. SCOTT. Thank you, Mr. Rueker.
Mr. Brooks?

TESTIMONY OF RONALD E. BROOKS, PRESIDENT, NATIONAL NARCOTIC OFFICERS' ASSOCIATION COALITION, SAN FRANCISCO, CA

Mr. BROOKS. Chairman Scott, Judge Gohmert, Members of the Subcommittee, I appreciate the opportunity to discuss the importance of H,R. 3546, and I want to thank Mr. Johnson as the author and for his leadership on this issue.

I also want to thank the Subcommittee for focusing attention on the Byrne/JAG formula program. It is the single most important component for sustaining multijurisdictional drug enforcement in America. The Byrne formula program provides only a small amount of the overall funding that is dedicated to State and local drug enforcement, but its role is pivotal in allowing us to fight the scourge of drugs and gangs in our communities.

Funding for Byrne provides the necessary incentive for multijurisdictional coordination in combating the drug epidemic. It is this coordination that has improved the effectiveness of drug enforcement and has helped reduce drug abuse, meth labs, and violent crime, and it is the reason that 97 percent of all drug arrests in America are made by State and local cops.

Drug traffickers are not bound by borders of cities, States, or nations. Criminal mobility is why multijurisdictional task forces are critical in battling the threat to our security. Multijurisdictional task forces help reduce the impact of drugs and firearm trafficking, fight gangs and organized crime in America's community by leveraging information and resources to provide a real-time advantage for law enforcement. Thanks to Byrne-funded task forces, drug investigators are co-located and working cooperatively in cities and towns and rural communities throughout America.

Recent proposals to reduce or eliminate the Byrne/JAG program are reckless and disturbing. Drug enforcement was dealt a devastating blow when the original Byrne program and local law enforcement block grants were consolidated into the Byrne Justice Assistance Grant with a significant reduction in funding. When the Byrne/JAG Program was reduced in the recent Omnibus from $520 million to just $170 million, a cut of almost two-thirds, my colleagues across the Nation were stunned. If these cuts remain intact, hundreds of multi-jurisdictional drug task forces will be forced to close.

During my 34-year career, I have seen more drug-caused death and devastation than I care to think about. I have pulled too many children from dens of neglect. I have seen too many who have died from drug overdose or the violent crime that is always present when drugs are near.

On 9/11, 3,000 Americans were murdered by terrorists from foreign lands. The intensity and sheer evil of that attack was a wake-up call to the world. Ironically, the events of 9/11 overshadowed the chemical attacks that occur each day in cities and towns in the form of illegal drug trafficking. Drug overdoses kill more than 30,000 Americans each year, and the impact on our economy is estimated to be more than $180 billion annually.

But those stark numbers do not paint the complete picture. The unrelenting attack by international cartels, gangs, meth cookers, and neighborhood drug dealers is a tragedy that touches every family. How can we quantify the lives ruined, opportunities lost, and heartache caused by drug abuse?

Since 9/11, no child in American has been injured or killed in a terrorist attack, but most children will be asked to try illegal drugs. Each child will struggle with the choice that has the real potential to ruin their life, a choice that wrongly made will cause them to sacrifice health, mental state, education, and family.

Serving as a narcotics officer is not only my job; it is a moral responsibility. In my 34 years, no program has enabled me to carry out that responsibility more effectively than Byrne. If Congress does not embrace H.R. 3546 and if it does not restore funding for Byrne/JAG in the fiscal year 2009 appropriations, then I and my colleagues will be prevented from doing what we know works and, more importantly, what we know is right.

Because of the last-minute cuts to Byrne/JAG in the Consolidated Appropriations Act, a diverse group of law enforcement treatment, prevention, corrections, and victims' rights groups, labor organizations, and grassroots groups have come together in an effort to restore funding for Byrne/JAG. In recent letters submitted to the House leadership, 30 of those groups representing almost a million combined members of public servants and community activists requested funding to offset the severe cuts to Byrne in fiscal year 2008.

In addition to those associations, a bipartisan group of 218 Members of the House signed a letter sent to leadership and appropriators requesting $430 million in emergency funding for Byrne/JAG. Additionally, a bipartisan group of 56 senators signed a similar letter.

This broad show of support for a Federal program is extremely rare, and it shows how deep the support for this program is. I would like to submit those letters for the record.

Mr. SCOTT. Without objection, so ordered.

[The information referred to follows:]

Congress of the United States
House of Representatives
Washington, DC 20515

March 6, 2008

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
Washington, DC 20515

The Honorable John Boehner
Minority Leader
U.S. House of Representatives
Washington, DC 20515

The Honorable David Obey
Chairman
House Committee on Appropriations
H-218 U.S. Capitol
Washington, DC 20515

The Honorable Jerry Lewis
Ranking Member
House Committee on Appropriations
1016 Longworth House Office Building
Washington, DC 20515

Dear Speaker Pelosi, Minority Leader Boehner, Chairman Obey, and Ranking Member Lewis:

As you begin to craft an emergency supplemental appropriations package, we respectfully request that you include emergency funding of at least $429.6 million for the Byrne Justice Assistance Grant (JAG) program, so that total Fiscal Year 2008 spending equals the $600 million in the Commerce, Justice, and Science Appropriations bill that passed the House in July 2007.

As a result of budget restrictions, the Byrne Justice Assistance Grant program suffered severe cuts in the FY 2008 Consolidated Appropriations Act. Funding for the Byrne-JAG program was cut by two-thirds, from $520 million in Fiscal Year 2007 to $170.4 million in Fiscal Year 2008. The House Commerce, Justice, and Science Appropriations bill originally provided $600 million for the Byrne-JAG program – a level that we support.

The Byrne-JAG program allows state and local governments to support a broad range of activities to prevent and control crime and to improve the criminal justice system. Funding is distributed on a formula basis and may be used to address the most pressing criminal justice problems in a given area. The Byrne-JAG program helps state and local law enforcement agencies fund cold case units, school violence programs, hate crime programs, crime victim and witness programs, prosecution and court programs, the purchase of equipment, and the training of law enforcement officers.

In addition, the program provides the only source of support for state, regional, and local agencies for drug enforcement and treatment programs. Most states that receive Byrne-JAG program funding decide to support multi-jurisdictional drug task forces, which foster institutional collaboration, information sharing and state, local, and federal partnerships in the fight against

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illegal drug traffickers. We have heard from law enforcement authorities in our districts that the loss of Byrne-JAG funding for drug enforcement task forces would be a disaster and could force these critical task forces to close. Once task forces like these shut their doors, it is very difficult to open them again and drug traffickers will have an easier time spreading illegal drugs in American communities.

The reduction in Byrne-JAG funding is a direct cut to state and local law enforcement in every state and can significantly affect the ability of law enforcement agencies to continue to provide these important services to victims, witnesses, schools, and the local community. At least seventy-five cents of every Byrne-JAG dollar goes directly to local sheriffs and police departments.

We, the undersigned Members of Congress, request that you take action and include urgently needed emergency funding for the Byrne Justice Assistance Grant program in this year's emergency supplemental appropriations package.

Thank you for your consideration of this request.

Sincerely,

Bart Stupak
Member of Congress

Jim Ramstad
Member of Congress

Elijah E. Cummings
Member of Congress

Mark Souder
Member of Congress

Member of Congress

Danny K. Davis
Member of Congress

Mike Michaud
Member of Congress

Betty Sutton
Member of Congress

Edward J. Markey
Member of Congress

Don Young
Member of Congress

Carolyn E. Wilder
Member of Congress

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Mary Bono Mack
Member of Congress

Dick Larsen
Member of Congress

Carolyn McCarthy
Member of Congress

Kirsten E. Gillibrand
Member of Congress

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Wm. Lacy Clay
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Jim Langevin
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Stephanie Herseth Sandlin
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Cc: The Honorable Alan Mollohan, Chairman of the Subcommittee on Commerce, Justice, Science, and Related Agencies
The Honorable Rodney P. Frelinghuysen, Ranking Member of the Subcommittee on Commerce, Justice, Science, and Related Agencies

April 17, 2008

The Honorable David Obey
Chairman
The Honorable Jerry Lewis
Ranking Member
House Committee on Appropriations

The Honorable Robert C. Byrd
Chairman
The Honorable Thad Cochran
Ranking Member
Senate Committee on Appropriations

The Honorable John Murtha
Chairman
The Honorable Bill Young
Ranking Member
House Committee on Appropriations,
Subcommittee on Defense
United States House of Representatives
Washington, DC 20515

The Honorable Daniel Inouye
Chairman
The Honorable Ted Stevens
Ranking Member
Senate Committee on Appropriations,
Subcommittee on Defense
United States Senate
Washington, DC 20510

RE: Restoration of Funding for the Byrne Justice Assistance Grant (JAG) Program

Dear Sirs:

On behalf of the hundreds of thousands of public servants our groups represent in law enforcement, substance abuse prevention and treatment, drug courts, prosecutors, corrections, state and local government, victim assistance and juvenile justice across the country, we write seeking your leadership to restore at $490 million in funding for the Byrne Justice Assistance Grant (Byrne/JAG) program in the emergency war supplemental bill which your committees will begin considering later this month.

As you know, the Byrne/JAG formula program within the Department of Justice was cut by more than two-thirds in the FY08 omnibus appropriations bill (to $170 million in FY08 from $520 million in FY07). The Byrne/JAG formula account is distributed to states and local agencies based on population and crime rate. The funding is used to address the most pressing criminal justice needs in local communities across the nation by leveraging state and local funds to prevent and fight crime in innovative ways, including cold case units, identity theft investigations, school violence prevention, hate crime prevention and response, crime victim programs, witness protection, and a variety of other programs.

Critically, the JAG program provides the only source of federal support for state, regional, and local drug enforcement task forces. Most states use at least some portion of their Byrne/JAG allotment to support these multijurisdictional drug task forces which foster institutional collaboration, information sharing, and state/local/federal partnerships in the fight against illegal drug traffickers. With the severe cut in the FY08 JAG funding, and without immediate action by Congress, most of these task forces will be forced to close within the coming months – essentially giving drug kingpins and organized crime a free pass for the foreseeable future.

We are particularly concerned that funding for the Byrne/JAG program was cut at the last minute despite the House including $600 million and the Senate including $660 million for

the program in their Commerce, Justice, Science and Related Agencies committee reports just a few months ago.

A majority of your colleagues in both chambers have expressed their strong support for this program and for the immediate restoration of funds by signing letters of support for these additional funds. A total of 218 Representatives and 56 Senators signed letters asking that at least $430 million for the Byrne/JAG program be included in the upcoming emergency appropriations bill. This is an unprecedented show of bipartisan support for any domestic spending program.

It is our hope that you and your colleagues on the House and Senate Appropriations Committees will remain firm in your commitment to the Byrne Justice Assistance Grant program and will provide the vital emergency assistance needed to ensure this program is adequately funded in fiscal year 2008.

Sincerely,

Ronald E. Brooks
President, National Narcotic Officers' Associations' Coalition

David Steingraber
President, National Criminal Justice Association

James P. Fox
President, National District Attorneys Association

Craig Webre
President
National Sheriffs' Association

Daniel N. Rosenblatt
Executive Director, International Association of Chiefs of Police

Becky D. Vaughn
Acting Executive Director, State Association of Addiction Services

Gabrielle de la Gueronniere, JD
Deputy Director of National Policy
Legal Action Center

Eric Coleman
President
National Association of Counties

Larry C. Turner
President, National Alliance
of State Drug Enforcement Agencies

Gil Kerlikowske
President, Major Cities Chiefs
Association

Michael J. Bouchard
President
Major County Sheriffs' Association

Lewis E. Gallant, PhD
Executive Director, National
Association of State Alcohol and Drug
Abuse Directors

Thomas Gorman
President, National HIDTA
Directors' Association

Dennis J. Hallion
Chairman, National Troopers
Coalition

Arthur T. Dean
Major General, U.S. Army, Retired
Chairman and CEO
Community Anti-Drug Coalitions
of America

Tom Maruyama
President
National Association of Asian
American Law Enforcement
Commanders

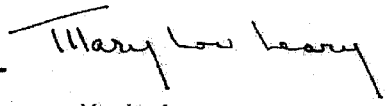
Roy Garivey
President
National Latino Peace Officers Association

Jane Browning
Executive Director, International
Community Corrections Association

C. West Huddleston, III
CEO and Executive Director, National
Association of Drug Court Professionals

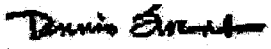
Gwyn Smith Ingley
Executive Director
American Jail Association

Steve Derene
Executive Director, National Association
of VOCA Assistance Administrators

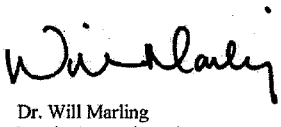


Mary Lou Leary
Executive Director, National
Center for Victims of Crime

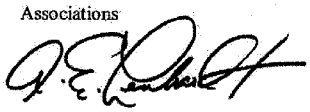
Carl Wicklund
Executive Director, American
Probation and Parole Association



Dennis Slocumb
International V.P., Legislative Affairs
International Union of Police
Associations



Dr. Will Marling
Interim Executive Director
National Organization for Victim Assistance



Al Lenhardt
President and CEO
National Crime Prevention Council

James A. Gondles, Jr.
Executive Director
American Correctional Association

Supporting Organizations:

**National League of Cities*
**National Conference of State Legislatures*
**The IJIS Institute*

United States Senate

WASHINGTON, DC 20510

March 31, 2008

The Honorable Robert Byrd
Chairman
Committee on Appropriations
United States Senate
Washington, DC 20510

The Honorable Thad Cochran
Ranking Member
Committee on Appropriations
United States Senate
Washington, DC 20510

Dear Chairman Byrd and Senator Cochran:

Restoration of severe cuts made to the Edward Byrne Justice Grant (Byrne/JAG) program through last year's omnibus appropriations bill is vital to avoid law enforcement layoffs and suspension of hundreds of anti-drug, gang and violent offender efforts across the country. Therefore, we respectfully request that you provide $489.6 million for the Edward Byrne Justice Assistance Grant (Byrne/JAG) program in any Supplemental Appropriations bill that comes before the Senate. This addition would restore Byrne/JAG funding to the same level previously approved by the Senate in the Commerce-Justice Science (CJS) Appropriations bill for fiscal year 2008 (FY 2008).

The Byrne Formula Grant Program is a tried and tested program that has served us well for more than two decades. The program's broad-based support was verified in the Senate's passage last year of S.231, the Feinstein-Chambliss Byrne/JAG Reauthorization Act, which would extend this $1.095 bill authorization through 2012. The bill received 52 co-sponsors and passed the Senate by unanimous consent.

As you know, the Senate-approved CJS Appropriations bill for FY2008 would have funded Byrne/JAG at $660 million. Following a veto threat, however, difficult choices had to be made in conference, and in the Omnibus Appropriations bill that ultimately passed, Byrne/JAG funding for FY2008 was reduced to only $170.4 million. This figure represented more than a 2/3 drop from Byrne/JAG's actual appropriated levels in FY2007.

In the wake of these drastic cuts, various law enforcement agencies, as well as numerous police and sheriff's offices, have notified us that these FY2008 Byrne/JAG cuts will have a devastating effect on law enforcement, forcing them to possibly close multi-jurisdictional drug and gang task forces, and negatively affecting a variety of other crime control programs. Particularly at a time when a risk of adverse economic conditions may lead to increased crime, it is vitally important that we support our nation's finest in their efforts on the front lines, where they risk their lives daily keeping Americans safe.

Unless these Byrne/JAG funds are restored promptly, law enforcement agencies may be forced to dismantle multi-jurisdiction task forces that often took years to create and develop.

And individual officers serving on those task force members will face a loss of income or even their jobs, some of which have been held for years.

Each year, Byrne/JAG dollars fund over 4,000 police officers and prosecutors working on over 750 drug enforcement task forces in all 50 states across hundreds of urban and rural countries and cities. On an annual basis, Byrne/JAG funding leads to over 220,000 arrests, 54,000 weapons seized, the seizure of 5.5 million grams of methamphetamine, and the breakup of almost 9,000 methamphetamine labs. These successes show that we need to continue what we are doing, not cut back.

Funding for Byrne/JAG, at its $1.095 billion authorized level, has long been supported by America's leading law enforcement organizations, including the National Narcotic Officers' Associations' Coalition, National Sheriffs' Association, National Association of Counties, National Association of State Alcohol and Drug Abuse Directors, Legal Action Center, National District Attorneys' Association, National HIDTA Directors Association, International Association of Chiefs of Police, Major County Sheriffs Association, National Criminal Justice Association, National Alliance of State Drug Enforcement Agencies, Major City Chiefs Association, National Troopers Coalition, State Association of Addiction Services, the National Crime Prevention Council and the Fraternal Order of Police.

There is strong bipartisan support for the Byrne/JAG Program, and we urge you to provide this critically needed funding in any supplemental appropriations bill that comes before the Senate this year.

Sincerely,

Dianne Feinstein
Kit Bond
Joe Biden
Orrin G. Hatch
Ted Kennedy
Olympia Snowe
Herb Kohl
Tom Harkin
Saxby Chambliss
Patrick Leahy
Chuck Grassley
Dick Durbin
Elizabeth Dole
Chuck Schumer

Ken Salazar

Bill Nelson

Norm Coleman

Frank R. Lautenberg

Bill Vitter

Mark Pryor

Hillary Rodham Clinton

Jim Webb

cc:

The Honorable Barbara Mikulski
Chairman
Committee on Appropriations
CJS Subcommittee
United States Senate
Washington, DC 20510

The Honorable Richard Shelby
Ranking Member
Committee on Appropriations
CJS Subcommittee
United States Senate
Washington, DC 20510

Mr. BROOKS. On behalf of America's narcotic officers, I urge the Members of this Subcommittee who have been leaders in protecting programs that fight back against drug traffickers and gang violence to do everything in your power to reauthorize Byrne/JAG and to assist us in ensuring that it is appropriated at adequate levels.

Mr. Chairman, Judge Gohmert, and Mr. Johnson, I want to thank you for inviting me to share the views of America's narcotic officers, the 69,000 narcotic officers that I represent, and we certainly appreciate your service to America.

Thank you.

[The prepared statement of Mr. Brooks follows:]

PREPARED STATEMENT OF RONALD E. BROOKS

STATEMENT FOR THE RECORD

Ronald E. Brooks, President

National Narcotic Officers' Associations' Coalition (NNOAC)

Subcommittee on Crime, Terrorism and Homeland Security

Committee on the Judiciary

United States House of Representatives

May 20, 2008

INTRODUCTION:

Chairman Scott, Ranking Member Gohmert, Members of the Subcommittee, I appreciate the opportunity to appear before you today to discuss the importance of H.R. 3546, the Byrne Justice Assistance Grant Reauthorization Act.

I am the President of the National Narcotic Officers' Associations' Coalition (NNOAC), which represents 44 state narcotic officers' associations, the National High Intensity Drug Trafficking Area (HIDTA) Director's Association, the National RISS Director's Association and other related state and regional law enforcement associations with a combined membership of more that 69,000 police officers throughout the nation. I am a veteran police officer and have spent the vast majority of my 35-year law enforcement career assigned to drug enforcement. Recently, I retired from state service as an Assistant Chief with the California Department of Justice, Bureau of Narcotic Enforcement and continue to serve in law enforcement as the Director of the Northern California High Intensity Drug Trafficking Area (NC HIDTA) and Regional Intelligence Fusion Center NC

RIC). In addition to my service with the NNOAC I have served as President of the California Narcotic Officers' Association, I am the current Vice Chair of the Criminal Intelligence Coordinating Council (CICC) and Global Intelligence Working Group (GIWG) which serve to advise the Attorney General of the United States on matters relating to criminal intelligence and information sharing, I also serve on the International Association of Chiefs of Police (IACP) Narcotics and Dangerous Drugs Committee and I am on the Board of Directors of the National HIDTA Directors Association.

Thanks to the vision and leadership provided by the United States Congress, and this Subcommittee in particular, there is considerable good news to report to the American public regarding our fight against illicit drugs. In recent years, the White House Office of National Drug Control Policy (ONDCP) has reported significant reductions in overall drug use. These successes have caused many of us to look with pride on accomplishments brought about by implementation of a balanced and comprehensive drug strategy. As you know, our national drug control strategy relies on a robust commitment at the Federal, state and local levels to prevention, treatment and the enforcement of our drug laws.

While there is still much work to be done, our nation has experienced success, in large part, as a result of policies and programs legislated by Congress over the past 20 years. Despite this pattern of success, I am deeply concerned about the administration's budget proposals and certain recent decisions by Congress related to federal funding assistance for state, local and tribal law enforcement. These decisions will gut state and local law enforcement's ability to battle drug-traffickers, gangs and violent criminals and will place our fellow citizens in great peril.

My organization's members – and hundreds of thousands of other public servants and community activists across the country – were shocked when the FY 2008 Consolidated Appropriations Act slashed funding by more than 60% for one of the most important law enforcement programs funded by the federal government – the Byrne Justice Assistance Grant (Byrne-JAG) program. In recent years we have seen the first increases in crime rates in this country in more than a decade. This trend has occurred as state and local law enforcement assistance has decreased and when law enforcement agencies are stretched thin due to decreasing state and local budget while facing increasing homeland security responsibilities and the need to address a growing gang problem. . While Congress and the administration are generally supportive of law enforcement, proposed cuts and changes to key programs that have proven successful are beginning to lead us down a path we don't want to travel.

THE IMPORTANCE OF DRUG ENFORCEMENT:

Law enforcement is easy to take for granted. Often, we underestimate the significance of our security at home because we become accustomed to living in a relatively secure environment. But taking the life-and-death role of drug law enforcement officers for granted, especially at this time in our history, would be a terrible mistake.

Unfortunately, the present drug control budget takes drug law enforcement for granted. If the FY 2009 recommendation for the Federal Drug Control Budget is adopted by Congress, the Byrne-JAG formula program will be eliminated and justice assistance funding will be reduced by 60%. If these proposals are allowed to slip by, they will jeopardize many years of institution-building and mission success that we have all helped to build.

Success over the past 20 years has been achieved by the hard work and commitment of America's law enforcement officers, prosecutors, drug court judges, treatment professionals and efforts of the grassroots prevention community, including parents, teachers, clergy, national guardsmen, and community anti-drug coalitions. We recognize that our jobs as narcotic law enforcement officers are part of a larger strategy that includes all of these professionals and community activists.

Along with my fellow law enforcement officers, I am appalled at the effect drugs have had on American families and communities. In my 35 years I have seen far more drug-caused death, destruction, and devastation than I care to think about. I have pulled too many children from filthy, diseased, drug-infested dens of neglect. I have laid my hands on too many who have died from a drug overdose or the violent crime that is always present when drugs are near. I have watched too many desperate drug-poisoned addicts genuinely sob at the realization that their addiction has cost them their families. And I have seen far too many hopes, dreams and aspirations destroyed by drug abuse. In my mind, it is not only my job, it is my moral responsibility as a human being to do everything in my power – including the powers given to my by city councils, county commissions, state legislatures, and this Congress – to intervene, to do all I can to stand between purveyors of drugs and their prey. Let's not allow devastating unintended consequences to happen by reducing the ability of law enforcement to enforce drug laws. As a father, husband, life-long public servant, and life-respecting human being, please do not prevent me from doing what I need to do to stand between drug pushers and their victims. If you don't embrace this legislation, if you don't restore funding for this program in FY09 appropriations, that is exactly what will happen. I

and my colleagues will be prevented from doing what we know works, and more importantly, what we know is right.

Last week I attended the National Law Enforcement Officer's Memorial service on the steps of the United States Capitol. The memorial wall now contains the names of 18,274 American law enforcement heroes who have paid with their lives to make America a safer place to work, live and raise our children. At least seventy of those officers killed in the past six years died while enforcing drug laws. This memorial service was a reminder of the importance of drug enforcement and of Congress' role in framing – and maintaining – sound drug policy. As Americans, we must never give up in our fight to preserve, protect and defend this great nation from the scourge of drugs. To do so would dishonor the memory of my fellow police officers and those who have died as a result of drug abuse. It is our solemn duty to do everything in our power to keep our nation's most precious treasure – our children – safe and drug free.

THE IMPACT OF DRUG TRAFFICKING AND ADDICTION:

While I know the members of this subcommittee understand the true impact of the drug problem, it is easy for discussions in Washington regarding drug policy and funding for drug treatment, prevention, and enforcement programs to become academic. The reality for the 69,000 members represented by the NNOAC – and for law enforcement officers, fire fighters, EMS workers, probation officers, drug court judges, and treatment professionals – is that these issues involve real-life tragedies.

From a personal point of view, my civilian friends often ask me about the physical and emotional toll that thirty-five years of facing the danger of ruthless drug dealers has

taken on me. The truth is, as a police officer, you learn quickly to live with danger. What keeps me up at night is the death, fear, economic despair, and ruined lives I see as a result of drug addiction and drug-fueled violent crime. I have seen a lot of it. It is hard to watch generations of families succumb to the downward spiral of drug use, abuse, and addiction. It is hard to carry children out of meth houses reeking of poisonous gas.

Drug enforcement officers are driven in their commitment to fight the scourge of drug abuse by recurring images of innocent children languishing in dirty diapers, living in deplorable and dangerous conditions and suffering from malnutrition and drug-addicted parents who often abuse them and who are unable to care for them. We are driven to face the danger of drug enforcement by witnessing impressionable young lives ruined when they are lured into a culture of crime by adults promising quick money. We see kids become dealers for adults, or lookouts that facilitate the drug sales operations of adults.

I once supervised a raid on a rural California super-lab that was producing more than 100 pounds of methamphetamine per two-day reaction cycle. As we approached the house to execute our search warrant, a large cloud of highly toxic gas began to vent from the house. Upon entry into that dangerous environment, we encountered four armed meth cookers and a woman, eight-months pregnant, who had been in the house for the entire two-day reaction cycle with her two small children.

During another lab raid, I found a teenage boy, an honors student, who lived with his meth-addicted father in a home where two separate chemical fires had flashed through the house, neither of which were reported to the fire department for fear that the meth production would be discovered. That teenager was working to survive, despite the daily danger posed by chemical exposure, explosion, fire, and armed encounters with rival drug dealers.

In deciding the fate of Federal assistance for state and local drug enforcement activities these questions must be asked: With the effects of drug abuse costing more than 30,000 American lives each year, how many more cuts can we afford to make to drug enforcement programs before the goals of our National Drug Control Strategy become impossible to reach? How many more deaths will occur if we abandon what has proved to be a successful and balanced approach to our nation's drug problem by dramatically reducing or eliminating successful drug enforcement programs such as the Byrne Justice Assistance Grants and the HIDTA Program? The impact of reducing the Federal commitment to assisting local law enforcement fight drug trafficking will deliver a slow but devastating blow to the quality of life in America.

Drug enforcement was hit four years ago when the original Edward Byrne Memorial Grant Program and the Local Law Enforcement Block Grant were consolidated into the Byrne Justice Assistance Grant (JAG) Program with an overall reduction in funding without a mandate to use those funds for drug-related criminal justice programs. The program again suffered greatly in recent years, most notably when the combined funding total was reduced from $520 million in FY 2007 to $170 million in FY 2008 – a cut of almost two-thirds. While there are strong bi-partisan efforts at work to restore funding to more appropriate levels through emergency supplemental appropriations, if these cuts remain intact, literally hundreds of multi-jurisdictional drug task forces will be forced to close, essentially turning a blind eye to the problem of drug manufacturing, sales and related gang violence which kills or destroys the lives of so many Americans.

In one example of the impact of the cuts to the Byrne Program, the governor of Texas eliminated funding for most drug task forces in the state because he determined that available

funding was not sufficient to continue to sustain multi-jurisdictional drug task forces. The limited funds remaining for use in Texas are being used for border enforcement. Tragically, that trend of eliminating or decreasing task forces is one that the members of the NNOAC are experiencing throughout the United States despite the demonstrated importance of the role that state and local law enforcement play in the fight against drugs.

DRUG TRAFFICKING IS TERRORISM:

On September 11, 2001, almost 3,000 Americans were murdered by terrorists from foreign lands. The intensity, magnitude, and sheer evil of that single attack was a wake-up call to the world. Ironically, the events of 9/11 overshadowed a different kind of attacks – chemical attacks that occur each day in cities and towns in the form of death-dealing illegal drug trafficking.

We must live with – and prepare for – the threat of foreign terrorism. Still, I believe that drug trafficking and abuse are the most significant continuing threats to our domestic security. We are engaged in a mortal battle with illegal drug trafficking organizations, drug-funded gang activity, and violent drug-related crime.

Illegal drug overdoses kill more than 30,000 Americans each year, according to the Centers for Disease Control and Prevention. The impact on our economy is estimated to be more than $180 billion each year. But those stark numbers don't paint the complete picture. The unrelenting attack by international drug cartels, American street gangs, meth cookers, and neighborhood drug traffickers is a tragedy that touches every family in America. How can we quantify the lives ruined, opportunities lost, and heartache caused by drug abuse?

Since September 11, 2001, the focus of Federal assistance to state and local public safety agencies has shifted to protecting the homeland from terrorist activities and equipping first responders. Of course, it is important to fund preparedness and response capacity, but that shift has come at the expense of the drug enforcement mission. That shift has not only affected America's communities, but has impacted aspects of the Global War on Terror. By shifting state and local law enforcement assistance resources to homeland security, we must not lose our focus on drug enforcement and drug prevention. I know you share my concern, Mr. Chairman, that protecting our homeland MUST mean protecting citizens from drug traffickers and violent drug gangs at home. To save the perimeter but lose the heartland would be a hollow victory.

Since September 11th, no child on U.S. soil has been injured or killed in a foreign-organized terrorist attack. But most children, regardless of race, gender or economic background will be asked by friends or acquaintances to try dangerous illegal drugs. Each child will struggle with a choice that has the real potential to ruin their life, a choice that – wrongly made – will cause them to sacrifice their health, mental state, education, and family. Stumbling into the world of drugs will likely force them to be estranged from family, friends and faith, far too often robbing them of life itself. Unfortunately, many of our nation's young people will make that life-altering choice this year – a choice with devastating results.

We don't allow ourselves to fight terrorism with one hand tied behind our back. Yet, the current Byrne-JAG budget proposal and the reduced funding for Byrne-JAG in congressional appropriations would tie the strong hand of state and local law enforcement behind its back by reducing support for multi-jurisdictional drug enforcement. Congress must not let this happen.

DRUGS FUEL VIOLENT CRIME:

Violence, intimidation, and disinformation are the primary tools of drug traffickers. Drug criminals use force and intimidation to control turf, ensure the swift payment of drug debts, and deter those who might cooperate with law enforcement. A 1997 Bureau of Justice Statistics study of state prison inmates found that criminals who were under the influence of drugs while committing their crime accounted for 27% of all murders and 40% of robberies, a dramatic example of the link between drug use and violent crime. For this reason, drug law enforcement is critical to reducing violent crime and saving lives.

Experience shows that increases in drug arrests are followed by drops in violent crime. Drops in drug arrests are followed by increases in violent crime. In 1994, the New York Police Department implemented a program that targeted individuals and drug gangs that were believed to be responsible for much of the city's violent crime. The department targeted all levels, from street dealers to the drug kingpins that were responsible for supplying the bulk of the drugs that made their way to the streets of New York.

The results were nothing short of phenomenal: from 1994 to 1998, narcotics arrests doubled from 64,000 to 130,000 while serious and violent crimes dropped from 432,000 to 213,000. New York City's per capita homicide rate was reduced to that of Boise, Idaho. The cumulative effect of this multi-year trend was that as many as 750,000 people were spared from being the victims of violent crime and as many as 6,500 of our fellow human beings are alive today who would have been the victims of a homicide if had not been for aggressive law enforcement.

TASK FORCES WORK:

Contrary to statements in the Administration's budget request, multi-jurisdictional drug task forces have demonstrated clear results. Notably, on Byrne-JAG, the PART process cited by the administration omits key achievements by individual Byrne-funded task forces. According to data compiled by the National Criminal Justice Association, based on detailed metrics submitted by individual State Administering Agencies for 2004, task forces funded in part by Byrne-JAG were responsible for:

- 54,050 weapons seized
- 5,646 methamphetamine labs seized
- $250,000,000 in seized cash and personal property (does not include the value of narcotics seized)
- Massive quantities of narcotics removed from America's streets, including:
    - 2.7 million grams of amphetamines/methamphetamine
    - 1.8 million grams of powder cocaine
    - 278,200 grams of crack
    - 73,300 grams of heroin
    - 75 million cultivated and non-cultivated marijuana plants
    - 27 million kilograms of marijuana

On March 7, 2008, the National Alliance of State Drug Enforcement Agencies (NASDEA), in partnership with the National Narcotics Officers' Associations' Coalition (NNOAC) announced the arrests of 4,220 individuals on drug-related charges following a national one-day operation conducted by 41 states. The operation, called *Operation Byrne*

Blitz was a coordinated effort led by NASDEA to focus on drug related crimes and to stress the importance of the federally-funded Byrne-JAG program.

In addition to the arrests the operation yielded the seizure of 20,851 pounds of marijuana, 2,886 marijuana plants, 1,749 pounds of cocaine, 120 pounds of methamphetamine, 6,973 pharmaceutical pills, 13,244 ecstasy pills and a variety of other drugs. Also seized were 105 methamphetamine labs, 666 firearms and $13,463,832 in U.S. currency. In addition, 228 children were determined to be endangered and those cases were referred to the appropriate child protection agencies.

These results are real. They are quantifiable. They are defensible. And they indicate the power of using Federal dollars to leverage massive state and local investment in public safety.

Drug traffickers and drug facilitators are not bound by the borders of one state, any more than they are bound by the borders of one nation. Criminal mobility is why multi-jurisdictional task forces are critical in battling this threat to our personal, community and national security. A joint approach is critical in targeting drug trafficking organizations. Multi-jurisdictional task forces are the lifeblood of state and local drug law enforcement. They help reduce the impact of drug and firearm traffickers, gangs, pharmaceutical diversion, and organized crime in America's communities by linking organizations with information, leveraged assets, and a real-time advantage for law enforcement.

An argument used by some in support of proposed budget cuts to the HIDTA Program and the elimination of Byrne-JAG is that with recent reductions in crime and drug use, financial resources should be shifted to other priorities. I could not disagree more with this statement. We witnessed, in the early 1990s, what happens when resources are shifted

away from the fight against drugs – drug usage and crime rates increased. We should embrace the Byrne-JAG formula program because it works; we should not look for reasons to dismantle it.

Since September 11th, there has been ongoing criticism that Federal law enforcement, the intelligence community and the Department of Defense did not adequately share information to reduce the risk of terrorism. Thanks to Byrne-funded multi-jurisdictional drug task forces and to the HIDTA program, Federal, state and local drug investigators are co-located and working cooperatively in cities, towns, and rural communities throughout the country. Agencies across the nation have established trusted relationships and make excellent use of the Regional Information Sharing Systems (RISS) and the HIDTA Intelligence Centers (ISCs), and are de-conflicting tactical operations and sharing case information in accordance with the National Criminal Intelligence Sharing Plan.

BYRNE-JAG FORMULA GRANTS LEVERAGE FEDERAL DOLLARS:

The Administration argues, and some in Congress believe, that the Federal government has gotten too deep into funding state and local law enforcement activities. I agree that Federal funding should not supplant state and local funds for local activities, but I strongly disagree that Byrne-JAG falls into this category. The Byrne Justice Assistance Grants fund multi-jurisdictional task forces that don't replace state and local funds, but rather provide the incentive for local agencies to cooperate, communicate, share information, build good cases, and pursue organizational and regional targets rather than just individual dealers. Both enforcement targets are valid and necessary, but without task forces law enforcement would revert to working within their own stovepipes and arresting targets of opportunity

rather than focusing on organizational targets that have a disproportional impact on the problem. Drug enforcement would revert back to the days when I first started working narcotics in 1978 when we worked within our own teams without cooperating or using intelligence to lead us in drug trafficking investigations.

Drug trafficking is an interstate and international problem which necessarily calls for Federal involvement. The best way for the Federal government to assist state and local law enforcement is through multi-jurisdictional drug task forces which take full advantage of state and local ground-level intelligence and expertise, but which contribute to Federal investigations of regional, national, and international drug trafficking organizations.

An example of how the drug problem in America is an international problem is highlighted by the federal focus on methamphetamine in recent years. Due in large part to the federal focus on methamphetamine, busts of meth labs and meth super labs – those labs that produce 10 lbs or more of methamphetamine – have decreased dramatically over the past several years. However, methamphetamine use and supply hasn't declined. Why? Because the drug traffickers have adapted to the increase in enforcement by moving meth super labs into Mexico for mass production of the drug, then transport the finished meth through our porous southern border into America's interstate highway system. As long as our international borders remain as a revolving door for drug traffickers, drug enforcement will remain a federal government responsibility.

Byrne-JAG formula funding, when spread across the country, is too thin to supplant funding by state and local governments for justice and law enforcement programs. The minimal funding that the Byrne-JAG formula provides leverages state and local investment in justice programs to enhance cooperation, implement best practices, and improve training

of peace officers and prosecutors. In addition, the program properly recognizes the critical role that the Federal government has in addressing America's crime problem. A national, integrated threat demands a national, integrated response with state and locals leading the way, but with the Federal government providing meaningful support.

In reviewing programs around the country, many Byrne-JAG task forces contribute between $30 and $40 of state or local funding for every Federal dollar received. This leveraging of Federal dollars creates the incentive and ability for successful drug enforcement that not only addresses the local drug threat but also coordinates investigative efforts against national and international drug trafficking organizations. These Federal dollars don't replace state and local funds, but rather provide the incentive for local agencies to cooperate, communicate, share information and build good cases.

Drug enforcement has come a long way in the past fifteen years, but that hard-earned improvement will wane if Federal resources are not available to help continue the multi-jurisdictional task force model and the concept of intelligence-led policing. Byrne-JAG formula funding that is used by states for multi-jurisdictional drug task forces is rarely used to pay for personnel. It is primarily used for facility leases, overtime costs, vehicle leases and technology that is necessary for effective multi-jurisdictional drug enforcement efforts. Byrne funds are truly the glue that holds together multi-jurisdictional drug units throughout America.

The Byrne Justice Assistance Grant formula program allows states, counties, and municipalities to allocate funds each year to state and local programs that address pressing crime problems in their areas. But Byrne-JAG represents only a small fraction of the massive resources state and local governments drive into direct justice expenditures. In

2002, the latest year for which aggregate Census Bureau statistics are available, the following amounts were spent by state and local governments on justice programs:

- State Direct Justice Expenditures: $60,295,081,000
- Local Direct Justice Expenditures: $87,151,684,000
- Total State and Local Justice Expenditures: $147,446,745,000

Inexplicably, the administration's FY 2009 Budget Request does not acknowledge the importance of Federal partnerships with state and local governments in fighting crime. Reducing Federal involvement by cutting or eliminating programs that invest in state and local law enforcement, drug interdiction, prevention, treatment, community corrections, rehabilitation, re-entry and juvenile justice programs makes no sense. Such an act would reverse the trend toward enhanced cooperation that has contributed to the dramatic crime rate reductions of the past ten years.

Since FY 2002, funding for justice assistance programs in the Department of Justice has fallen dramatically from $2.2 billion to $800 million – a cut of more than 63%. While reductions in crime and drug use rates over the past 10 years have been significant, they have leveled off over the past two years. The majority of the reductions occurred when state and local law enforcement assistance accounts were funded at high levels. Although impossible to draw a causal link between robust funding for justice assistance programs and reduced crime rates, the correlation cannot be ignored. Improved information sharing, cooperation, equipment, and training for state and local law enforcement has contributed to more orderly communities and more effective law enforcement.

GROUPS UNITED IN SUPPORT OF BYRNE-JAG

In recent years, dozens of groups have come together in an informal coalition to prevent the repeated efforts by the Bush administration to eliminate Byrne-JAG. These groups collectively represent hundreds of thousands of law enforcement, substance abuse prevention and treatment, drug courts, prosecutors, corrections, state and local government, victim assistance and juvenile justice personnel around the country – each of whom will be significantly affected by the massive cuts to the Byrne-JAG program. For the past three years, many of these groups have collectively signed joint letters requesting the full authorized funding of the Byrne-JAG program.

Because of the last-minute cuts to Byrne-JAG in the FY 2008 Consolidated Appropriations Act, more groups than ever have come together in an effort to restore funding for Byrne-JAG. In a recent letter submitted to House leadership and the Appropriations Committee, thirty groups signed or gave their endorsement requesting emergency funding to offset the severe cuts in FY 2008. Along with the NNOAC, participating groups included the National Criminal Justice Association, National Alliance of State Drug Enforcement Agencies, International Association of Chiefs of Police, National Sheriffs' Association, National District Attorneys' Association, National Association of Counties, Major City Chiefs' Association, Major County Sheriffs' Association, National Association of Drug Court Professionals, National HIDTA Directors, National Troopers' Coalition, State Association of Addiction Services, Legal Action Center, National Association of State Alcohol and Drug Abuse Directors, Community Anti-Drug Coalitions of America, National Association of Asian-American Law Enforcement Commanders, National Latino Peace Officers Association, International Community Corrections Association, American Jail Association, National Association of VOCA Assistance Administrators, National Center of

Victims of Crime, American Probation and Parole Association, International Union of Police Associations, National Organization for Victim Assistance, National Crime Prevention Council, American Correctional Association, National League of Cities, National Conference of State Legislators, and the IGIS Institute. I would like to submit the letter for the record.

This is the first time in my career that such a broad range groups has felt strongly enough about a single public safety issue to join forces on a common goal. Many of these groups have jointly met for meetings with congressional leadership to discuss the importance of adequate funding for the Byrne-JAG program. Several of the groups participated in a joint briefing on the importance of Byrne-JAG funding issue for congressional staff.

Mr. Chairman, the NNOAC is not alone in calling on Congress to recognize the importance of the Byrne-JAG formula program. Together, these groups represent hundreds of thousands of public servants and they are united in their focus.

LEADERSHIP IN THE FIGHT AGAINST DRUGS:

Once the majority of Congress learned about the 11th-hour cuts to the Byrne-JAG program in FY 2008 Consolidated Appropriations Act, Congress snapped to action. In an effort spearheaded by the groups listed above, a bi-partisan group of 218 members of Congress – over half of the United States House of Representatives – signed a joint letter to House Leadership and Appropriations requesting $430 million in emergency funding for Byrne-JAG. Additionally, a bipartisan group of 56 Senators signed a similar letter to Senate leadership and appropriators requesting $490 million in emergency funding for Byrne-JAG. *All told, well over 50% of the entire United States Congress were angered by the severe cuts to Byrne-JAG and asked for the cuts to be restored.* In today's political environment, this

broad show of bipartisan support for a federal program is extremely rare. I would like to submit these letters for the record.

CONCLUSION:

If we agree that drug abuse in America is a national problem – with enormous potential impact on every state, congressional district, community and family – and one that requires a coordinated international, national, state, and local law enforcement response; if we agree that drug abuse poses a significant threat to the security of our nation on many levels; if we agree that drug profits fuel terrorism and weaken our ability to respond to terrorist threats; and if we agree that drug trafficking and drug abuse presents a palpable risk to our families, then we should all reach the same conclusion: A coordinated strategy that includes all levels of government, including Federal resources for targeted and effective multi-jurisdictional drug enforcement activities, must be a top priority of the Federal government.

The Byrne-JAG formula programs provide a small amount of the overall funding that is dedicated each year to state and local drug enforcement, but their role is pivotal. Their presence is a key to our success. The funding provided through Byrne-JAG provides the necessary incentive for multi-jurisdictional coordination, as well as the essential elements for state and local law enforcement officers to work with Federal counterparts to control the drug epidemic. It is this coordination that has improved the effectiveness of drug enforcement and has helped reduce drug use and violent crime.

If Congress allows Byrne-JAG to be cancelled, cut or diverted, Congress will effectively cripple multi-jurisdictional drug enforcement at the local and regional levels. Is

this really what is best for America? The dedicated law enforcement officers that I represent believe that common sense, a history of success, compelling facts, and the urgency surrounding multi-jurisdictional coordination all support an uncompromising commitment to Byrne-JAG.

It is time to return to basics in promoting sound drug policy and providing for the safety of every American from drugs and drug-related crime. We must once again embrace those strategies and programs that have led to a safer and more drug-free America. We must work together with enforcement, treatment, and prevention to effectively carry out different but equally important roles in a comprehensive national drug control strategy. We must understand that Federal law enforcement alone has nowhere near the resources necessary to protect Americans from the threat of drugs and gangs. Adequate Federal assistance must be provided in the form of Byrne-JAG formula grants to fund the multi-jurisdictional task forces that provide the first line of defense for cities and towns throughout this nation. We cannot sacrifice the safety of our families and our communities by failing to support drug enforcement.

On behalf of America's narcotic officers, I urge the members of this subcommittee, who have been leaders in developing our national drug control policies, and in protecting programs that fight back against drugs, to do everything in your power to reauthorize the Byrne-JAG program.

Mr. Chairman, Ranking Member Gohmert, members of the Subcommittee, I want to thank you for inviting me to share the views of America's narcotic officers. We applaud you for all that you have done to promote sound drug policy. The members of the NNOAC hold you in great esteem and appreciate your service to America.

Mr. SCOTT. Thank you. Thank you, Mr. Brooks.

We will now have questions for the panel, and I will recognize myself for 5 minutes, beginning with Mr. Herraiz.

You indicated that the Administration is recommending the combination of several programs into just four programs? Did I understand you right?

Mr. HERRAIZ. That is correct, Mr. Chairman.

Mr. SCOTT. Do you need legislation to do that?

Mr. HERRAIZ. It is listed under the appropriation. There has been no legislation introduced.

Mr. SCOTT. And would there be as much money appropriated in the combined as it is in the 70 different programs you are consolidating or——

Mr. HERRAIZ. The programs——

Mr. SCOTT [continuing]. Do you propose to cut the funding overall?

Mr. HERRAIZ. Mr. Chairman, the programs themselves that are currently funded under the Byrne/JAG Program would still be eligible for funding under this initiative. The total dollar figure is represented at $200 million for the Byrne Public Safety Initiative.

Mr. SCOTT. And what is the total appropriation in the four that would be left compared to the 70 that you started off with?

Mr. HERRAIZ. Mr. Chairman, I am not sure of the figure for the Juvenile Justice and Child Safety category and the Violence Against Women. I am familiar with the Violent Crime Partnership Initiative which is $200 million and the Byrne Public Safety which is $200 million. Those are the two pieces that fall within the Bureau of Justice Assistance. That would be a total of $400 million.

Mr. SCOTT. Okay. I was a State legislator during the Reagan administration, and frequently you would have a lot of programs consolidated, and each of the programs would be told, "There is plenty of money for your program," but the total amount of money was cut. So we want to make sure that—if you are cutting, we would like to know exactly where you propose those cuts, or if there is more money, we would like to know that too.

Now which of the grant programs are discretionary and which are formula based?

Mr. HERRAIZ. In the President's 2009 recommended budget, all of the programs are identified as discretionary, competitive, flexible grant programs.

Mr. SCOTT. And in the awarding of grants, does politics, favoritism, or religion trump evidenced-based approaches or not?

Mr. HERRAIZ. Mr. Chairman, we operate, certainly at the Bureau of Justice Assistance, a very open, competitive, and flexible program, as we have administered the funds that you allowed us last year under the Byrne discretionary program as well.

Mr. SCOTT. Is that, no, it does not—— [Laughter.]

Mr. HERRAIZ. Mr. Chairman, there is no politics in the decision-making within the Bureau of Justice Assistance for those grants.

Mr. SCOTT. And religion does not play a part?

Mr. HERRAIZ. No, sir, it does not.

Mr. SCOTT. And favoritism?

Mr. HERRAIZ. Mr. Chairman, no, sir.

Mr. SCOTT. Thank you.

Mr. McDaniel, you indicated that Byrne/JAG funding is an effective model. What is effective about that model?

Mr. MCDANIEL. Well, Mr. Chairman, you will find that you will have a prosecuting attorney who is dedicated to a task force and you will have multijurisdictional resources dedicated to that model.

You talk about your experience in the State legislature, and I remember mine as well. But, earlier than that, I was a police officer, and it would be very difficult to dedicate myself to investigating, for instance, a crack house where we knew that there was a great deal of trafficking going out of it, when I had all these other responsibilities to attend to, the radio would go off. Those are real-world impediments to true narcotics investigation.

When you have a dedicated task force, that does not happen, and they are able to pool their resources, work together as a team, and they should be accountable to a prosecutor who is accountable in Arkansas to the people. They are elected, and they are deputies.

Mr. SCOTT. Well, I guess the same question of a number of people. Why can't that be done without Federal funds?

Mr. MCDANIEL. Simply the resources are not available. They are strapped. I had committed when I was running for attorney general in Arkansas to doing just what I am doing today, which is to come and encourage Congress to renew these funds. If we do not have them renewed, I think that it is of paramount importance that we try to do as much as we can on the State level to fill the void because the void will be filled by those who want to do harm in our communities. But the truth is the States are hurting as well.

Mr. SCOTT. And how can we make sure that there is effective oversight for these multijurisdictional task forces, and who is kind of in charge?

Mr. MCDANIEL. I think we have to follow the money. In Arkansas, I sit on a council that is responsible or reviewing the applications from each of the drug task forces, and then we, of course, are responsible to the Justice Department, and I think that increased oversight and accountability at all levels would be important, and I certainly would support that. I just agree with Congressman Johnson that withdrawing funding would be the wrong course.

Mr. SCOTT. Well, who should do the oversight?

Mr. MCDANIEL. I think we should do it at each level and oversee, frankly, one another. I think that our drug council in Arkansas has a responsibility not just to review the applications made by these drug task forces and other entities that seek the money. I think we should look over what is their structure like, how are they screening officers to be a part of the program, not just how are they spending it.

We have bean counters to make sure that money is not being stolen, but how are they actually implementing their programs? Are they working with State and Federal law enforcement, or are they simply targeting small-time petty operators?

Mr. SCOTT. And who should do that oversight?

Mr. MCDANIEL. In Arkansas, I think, again, it should be the elected prosecutor who is answerable directly to the people, who has to dedicate one deputy to a multijurisdictional task force. I think it should be the drug council on which the attorney general's office, the State police, the drug czar, and the governor's office, and

others oversee the applications, and I think the Department of Justice.

Mr. SCOTT. If everybody is doing oversight, sometimes no one does the oversight. Sometimes it is a little better if you designate one person, but we will follow through on that.

Judge Gohmert?

Mr. GOHMERT. Thank you, Chairman.

And thank each of you for your testimony. It is helpful.

Sometimes in some of these Federal programs, we set up a formula whereby the offices that are doing the poorest job, have the poorest workers in them, show that they should get more money than the most efficient, most effective offices, and I like it when we can avoid that happening so that if there is an office that is efficient, that does need help, we get them money.

So let me ask Mr. Herraiz is there some way to avoid that with the Byrne/JAG Program?

Mr. HERRAIZ. Mr. Chairman, Congressman Gohmert, we are excited about the opportunity we had with the $75 million this year for the targeting violent crime task forces that we established. We took in developing that initiative all the best that we saw with the Byrne/JAG program over the years.

I have had the opportunity to also administer the funds at the State level here in Washington and actually being a Byrne/JAG recipient at the local level. So a lot of experience and partnership amongst various agencies here on this panel as well went into the ideas behind the development of the initiative—focusing on ideas of intelligence-led policing, trying to look at data-driven models so that we are targeting money in the community where the greatest crime need is.

We have various communities across the country, and Attorney General Gonzales put out an 18-city tour. He went to various communities to look at crime rates where they were up or down, and what were some of the causes, what were locals really seeing, because really for us to prescribe a program here in Washington that does not have the input of the locals addressing their specific crime need would really be less than worthy.

So, in indentifying those needs and those issues, one of the things we found is that the best way to affect change in public safety in that community is to really allow a program to address local needs and concerns and to be targeted for that need.

Over 106 communities are receiving those targeting violent crime task force partnership initiatives where they decide themselves what their crime issue is and what they want to address. Preliminary results for that program so far show that in just 2 months—because the program just kicked off in January—we see over 1,700 felony arrests; gang member arrests for violent felonies, 454; heroin seized in kilograms, 127; legal firearms seized, 1,600; and the stats go on.

We have built in new performance measures with this initiative to take again what we have not seen in success of other traditional programs that we have tried to address in crime fighting to develop this initiative.

Mr. GOHMERT. Well, it sounds good. And, you know, those obviously that are familiar with the program know it has done a lot of good.

But, apparently, as the Chairman pointed out, there is a bad egg every now and then that uses things inappropriately. It is because they are human, and one thing we know is, no matter how wonderful you are, if there is not adequate accountability, you are given temptations you should not have to face.

But I do appreciate all the testimony. I would just like to submit to each of you—I mean, you each represent not only your own office, but most of you represent many other people as well—you do not have to wait until you are invited to come testify to give us feedback on something. If you are unhappy about something, then just bombard Chairman Scott's office with messages. [Laughter.]

Seriously, though, I mean, if there is a problem on legislation, oftentimes, you know about it or hear about it before we do even. There was an example in the last Congress. I had a court security bill, and I was asked by the Administration would we mind sticking in a provision that would allow the DOJ or the attorney general to just select U.S. marshals instead of the normal presidential appointment. I thought, "Well, if the White House wants it, if they do not mind giving up that, if that is going to be easier, fine."

I did not realize, apparently, the National Sheriffs got all upset. There were e-mails and wild calls. Somebody called my local sheriff and said, "Do you know this guy?" He said, "Sure." So, anyway, I get the message. It turns out what they were doing is they were going to end any chance any sheriff or chief of police or DA, anybody, ever had of being a U.S. marshal because you would have to be within the civil service area already.

Well, as soon as I heard that was the deal, I pulled it out of the bill, I am not sticking that in there, and I told my sheriff, "What the hell? The president of the National Sheriffs they do not have to send all this stuff all over the country. Just give me a call. Let me know if there is a problem. We want to work with them," you know.

And so I am giving that anecdotally to tell you most of the people in Congress—and I know everybody up here now—we do not want to make your life more miserable. We want to try to work together to make things happen. So, when you hear or you learn that something is a problem, just let us know as we do want to work with you.

And, if I could just make this final comment, Chairman, bad things may happen, people may use some money inappropriately, and I hate to put any more pressure than this Mr. Herraiz, but if we get embarrassed, it is just the way it is. We are going to look for somebody to embarrass. And guess who that is probably going to be? So thank you for being here.

Mr. SCOTT. Thank you.

The gentleman from Georgia, the sponsor of the bill, Mr. Johnson?

Mr. JOHNSON. Thank you, Mr. Chairman.

And from the outset, I would like to say that there is not many other occupations that are more worthy than going into law enforcement, and law enforcement helps to keep our safe streets,

which is something that all citizens demand, but, unfortunately, we do not really like to pay for it.

But I will say that being a locally elected official before I came to Congress, I was aware as a county commissioner of the strains on our budget and how we would have to make choices in terms of how much to pay our police officers, how much goes to law enforcement, and with declining resources to this, it makes it very difficult.

Just this past January, we had two police officers in DeKalb County who were shot down in the line of their work, but they were working extra hours security because the county is not paying them such that they would be able to go home and enjoy, you know, some time with their family. They had to work 20, 30 hours extra per week just to make ends meet, and so it is a really difficult situation to be a law enforcement officer, and then you may never be able to come back home again.

And so with this very worthy and honorable profession that we are not paying them enough to do, it makes it important that there is funding from the Federal level to help streamline and make more efficient the efforts of our local law enforcement officials. I want to thank all of the law enforcement officials for what you have done to help keep our streets safe.

And I want to ask Mr. Herraiz, given the difficulties of State and local governments to fund law enforcement operations, in your testimony, you point to a nearly 60 percent decline in crime from 1993 to 2005, and you credit the Byrne/JAG grants for at least some of that success, yet you also endorse slashing the program which would essentially hurt those efforts.

How do you reconcile those two positions, and also would you answer for me how will these competitive grants that you are advocating for be awarded? Will they be awarded from a local perspective or from a national perspective?

Mr. HERRAIZ. Mr. Chairman, Congressman Johnson, I appreciate the opportunity to answer that. As it relates to the Byrne/JAG Program in particular and the efforts that we have put forth to address those issues of violent crime, over the years, we have seen—and I have been in this position for a little over 4 years now. Before, as I mentioned, I was at the State level and then previously at the local level, so I have seen the different facets of Byrne.

And I will readily admit, in my tenure on the other side, I oftentimes did not submit the best reports to communicate the value of the criminal justice efforts in particularly the Byrne/JAG Program. When I came to Washington, I clearly saw within my agency that the information that we were getting was not as strong as it could be to really tell a story of the value of resources, and without that, many of the issues that you have addressed here today surfaced.

We recognized that we needed a multifaceted approach. We recognized that we needed accountability. So we engaged discussion with many of the partners here at this table to really help define what it is that we need, how do we communicate the real value of these initiatives. We recognized that we had——

Mr. JOHNSON. Well——

Mr. HERRAIZ. Yes, sir?

Mr. JOHNSON. Yes, I must interrupt you, and I want to focus you on that particular question. How will this new structure and the decreased funding that you are proposing help to stem the tide of crime which is growing in our communities, which will continue to accelerate, given the deteriorating economic condition which the country faces, drug trafficking, crimes of violence, property crime is going to go up as a result of people being strapped for funding, if you will? So I am talking about on a personal level. So how will your new formula enhance the ability to fight the crime that is foreseeable?

Mr. HERRAIZ. Mr. Chairman, Congressman Johnson, what we have seen in the crime statistics, what it is showing us is, in particular if you look at the violent crimes reported in 2005 and 2006, 16 cities across the Nation account for over half of those violent crime increases, which is a huge percentage.

The discussion we have as it relates to a formula grant is by merely sprinkling the resources throughout communities—although as you have heard here today and you will hear from other jurisdictions, your experience at the county level as well, those resources are valuable because they help with the necessary dollars in the economy at that local level.

However, when we look at the crime picture itself, the department has tried to approach its efforts and whether it is the FBI Safe Streets Initiative, the U.S. Marshals' Safe Surrender Program, the Violent Crime Partnership Task Force Initiative, et cetera, our PSN and Anti-Gang Initiative, on those communities where you have the largest crime increases.

Mr. JOHNSON. Who would make the decision as far as the grant awardees? Who would award the money?

Mr. HERRAIZ. Yes, sir.

Mr. JOHNSON. Would that be done in Washington?

Mr. HERRAIZ. Yes, sir. Congressman, what we have is we have a targeted approach where the community decides what the problem is, and it is competitive. So, yes, through a competitive process the decision would be made at the Department of Justice.

Mr. JOHNSON. Don't you think it would be more effective if the local law enforcement agencies are able to determine how best to use the funding?

Mr. HERRAIZ. Yes, Congressman Johnson, and that is specifically built into the program, that they determine whether it is they need a drug court, whether they need a reentry initiative, whether they need a crime prevention program. You are absolutely correct. But——

Mr. JOHNSON. But then an official in Washington, D.C., would make the determination.

Mr. HERRAIZ. Congressman, the official in Washington, D.C., would only make the decision based on a competitive external peer view grant-making process, not based on someone sitting in my chair in my office saying, "We know what is best for your office." No, the locals know what is best. They would merely have to compete across the country for those resources.

Mr. JOHNSON. Thank you, Mr. Chairman.

Thank you, sir.

Mr. SCOTT. Thank you.

The gentlelady from Wisconsin, Ms. Baldwin?

Ms. BALDWIN. Thank you, Mr. Chairman.

I want to thank all of our witnesses here today for your testimony—I very much appreciate it—and want to quickly echo my colleague's sentiments of how critical the Byrne/JAG funding is to State and local law enforcement officers and their ability to fight crime and assist in the prevention of drug use.

I want to also think Mr. McDaniel for highlighting the impact of these proposed cuts in home State of Wisconsin so eloquently in your testimony. I was going to go over some of those numbers. I will not.

I do want to probe a little bit further with regard to the issue of oversight of the multijurisdictional drug task forces because that tends to be one of the areas of criticism we do hear, and we need to be able to assure our colleagues as we promote greater funding of this program that their concerns are unwarranted.

Just, for example, in Wisconsin, in 2005, the Byrne/JAG monies helped fund 26 multijurisdictional drug enforcement task forces, providing specialized drug enforcement services to 71 of Wisconsin's 72 counties. Combined, the task forces reported making almost 9,000 arrests for drug offenses stemming from incidents involving marijuana, crack and powder cocaine, heroin, and other drug offenses, and these collaborative multiagency task forces have done a tremendous job in reducing the impact of drugs, gangs, and organized crime in our communities.

But as to the oversight issue, it is my understanding that there is one lead agency for each multijurisdictional task force and an oversight board that meets as necessary. That said, I want to just express that I have received anecdotal information about problems with oversight in Wisconsin before. The anecdotal information that I have heard is particularly with regard to State-line multijurisdictional enforcement where Illinois-Wisconsin folks were collaborating and not necessarily understanding in a traffic stop situation the laws of one another's State.

And so please shed a little bit more light, if you will, on Mr. McDaniel and also perhaps, Mr. Herraiz, if you will.

Mr. MCDANIEL. Thank you, Congresswoman.

We have similar questions, as I guess all States do, but Texarkana, Arkansas and Texas, have a very unique system where, in fact, they have one police department that operates within the city on both sides of the State line, having to have a very unique charter and compact and understanding of both States' laws and multijurisdictional cooperation.

I did not come today with a model in hand on enhanced supervision and accountability. It became very clear to me quite some time ago that that was, in fact, needed, and I am very open to that, and I believe that the attorneys general of this county would be more than willing to cooperate with local law enforcement as well as the Department of Justice in coming up with the best model possible.

I think that our primary concern was that, oh, my gosh, we are going to see the baby thrown out with the bathwater, and that was certainly what we considered to be the wrong course.

I think that there are a lot of saving graces to the program, and we are more than willing—as I have mentioned earlier, I think that one thing that I can do and that the attorneys general can do is to create new criteria when we review more than merely a spreadsheet of finances on whether or not we approve funding because, obviously, there are clearinghouses for this money on the State level, at least that is the way ours is structured, and I would be more than willing to consider new and additional criteria, not just for how you spend it, but who is spending it, what are you spending it on, how are you cooperating with other agencies, how you screen your officers, who is responsible in the chain of command if there are violations of racial profiling, for instance?

My office is responsible in Arkansas, as many attorneys general are, for overseeing and mandating racial profiling criteria for law enforcement agencies, and I have received hundreds from all over Arkansas that we are in the process of reviewing. We can integrate those things in such a way as to make this program more effective, I believe.

Ms. BALDWIN. Mr. Herraiz, do you have any additional comments? And I am also hoping—well, my time is out—I might squeeze in an additional question about victim witnesses programs. But, Mr. Herraiz, do you have anything more on oversight?

Mr. HERRAIZ. Yes, Congresswoman Baldwin. As far as oversight, obviously, all the partners involved, whether it is State and local law enforcement, the State—in your case, Office of Justice Programs there in the State of Wisconsin, David Steingraber—Tulia was a wakeup call for all drug task forces, for Ron Brooks' organization and many others, including here at BJA in Washington, to try to identify what type of proper accountability can we put in place. BJA in particular had the Center for Task Force Management Initiative which we increased funding for so that we can make sure that we had properly trained task forces out there.

So, in developing a more comprehensive approach to the training, working in partnership with all the players, if you will, that are at this table, and developing that oversight in partnership with the State level by creating a greater partnership between the Department of Justice and the State administering agency who oversees those local task forces, that is going to be the strength of it, and we have gained a lot of ground in the last several years in doing that.

Ms. BALDWIN. Thank you.

Mr. SCOTT. The gentlelady has an additional question?

Ms. BALDWIN. Thank you very much, Mr. Chairman.

This one also directed at Mr. McDaniel. Recently, I had the chance to tour my home county's victim witness unit in the DA's office, and I was incredibly impressed by the work they do. Not surprisingly, a majority of our conversation during my tour focused on funding cuts for the program.

So I want to know if in your opinion is simple reauthorization of Byrne/JAG at an adequate funding level enough to ensure that these victim witness programs can thrive, or would you be recommending that we consider a separate stream for authorization and funding of the victim witness elements of this?

Mr. MCDANIEL. I know that each State handles it differently, and I only feel competent to address mine, and I would be more than happy to provide additional information to the Congresswoman or the Subcommittee, if needed. But I think that adequate funding for Byrne/JAG is certainly going to be critical to a number of things in addition to the multijurisdictional task forces, which are certainly high on everyone's attention list.

But we also see everything from school resource officers to victim assistance to drug courts. There are a number of very worthy and important causes that fall under this large umbrella. We have a diverse set of resources available to victims and witnesses in Arkansas, local coordinators through the prosecuting attorney's office. I myself administer somewhat of an insurance benefits program for victims of crimes in Arkansas that do not have the ability to pay for some of their out-of-pocket expenses.

I think that all of those are key components in a larger puzzle, and the first big step, of course, is to support the measure before the Committee.

[Audio gap.]

Mr. SCOTT. I would like to thank our witnesses for their testimony today.

Members may have additional written questions which they will submit to you in advance——

[Audio gap.]

Mr. McDaniel's constituents, the gentleman from Arkansas, Mr. Berry, in the back, a great supporter of this program——

Thank you very much. Without objection the Subcommittee is now adjourned.

[Whereupon, at 12:17 p.m., the Subcommittee was adjourned.]

APPENDIX

Material Submitted for the Hearing Record

STATE OF NORTH DAKOTA
OFFICE OF ATTORNEY GENERAL
STATE CAPITOL
600 E BOULEVARD AVE DEPT 125
BISMARCK, ND 58505-0040
(701) 328-2210 FAX (701) 328-2226

Wayne Stenehjem
ATTORNEY GENERAL

Written Testimony of Attorney General Wayne Stenehjem
North Dakota Attorney General
May 20, 2008

I write in support of HR #3546, to Reauthorize the Edward Byrne Memorial Justice Assistant Grant Program at Fiscal Year 2006 Levels through 2012.

If the severe cuts to Byrne funding are not restored, many of the state's multi-jurisdictional task forces will cease to exist, destroying years of cooperation and progress in crime fighting and drug enforcement and placing the burden of drug interdiction in North Dakota entirely on federal agencies. Federal drug enforcement agencies are, however, undermanned and under-equipped to extend operations into rural states. Regardless, states and locals know what works in their communities, and are in the best position to be the driving force behind local narcotics enforcement efforts.

Byrne funds are critical in our fight against drugs and violent crimes. The fight against crime needs to be a partnership among the federal, state and local governments. The state's multi-jurisdictional drug task forces provide small law enforcement agencies the ability to pool extremely limited resources to fund regional efforts, share human resources, equipment, and expertise.

The US Attorney for North Dakota has seen a significant increase in the number of drug-related prosecutions. This increase is a direct result of the efforts of the narcotics task forces and state and local law enforcement agencies.

While the state of North Dakota has steadily increased its resources to support our narcotics task forces, the commitment from the federal government has steadily shrunk. Since 2003, North Dakota's funds have been cut by 90%. In 2005, North Dakota was able to award $1.4 million to fund task forces; those sub-awards were reduced to $584,653 in 2007. And, unless funding is restored, for 2009 ND will only be able to award $156,000, at best, to task forces. It will be nearly impossible for the narcotics task forces to absorb another huge hit to this funding – and may end almost all task force activities.

As important as the issue of increased funding, however, is the formula used to allocate the JAG funds. As you are aware, the current JAG program's formula allocates funds based on population and crime statistics, which unfairly penalizes low-population states such as North Dakota that have successfully kept crime rates low. When the funding formula changed in Fiscal Year 2005, low-crime low-population states suffered a disproportionate cut in funds – some by as much as 48% - while funds to states with larger populations were cut only by 1-21%.

Written Testimony of Attorney General Wayne Stenehjem
North Dakota Attorney General
May 20, 2008
In support of HR #3546

Under the current funding formula, rural states such as North Dakota, Wyoming and South Dakota are now at the same funding level as American Samoa, Guam, and N. Mariana Island. Law enforcement efforts in ND, however, are targeted at drug trafficking routes from Mexico and Canada, and especially in stopping the transportation of Methamphetamine through our state.

When the funding formula changed, North Dakota's allocation for 2006 was reduced by 48% from its 2005 level, which forced a reduction in drug and crime fighting efforts by both the narcotics task forces and local law enforcement agencies. State statistics for 2006 show a 31.1% increase in the violent crime rate over 2005, while the FBI reported a national increase in violent crime of just 1.9% for the same period. The current funding formula forces states to wait until an increase in the crime rate triggers an increase in the funding allocation, rather than providing sufficient funds for states to continue programs and efforts that have already proven successful.

I believe it is crucial to continue federal funding of these operations in rural states like ours. While reauthorization of funding at the 2006 level is important to state efforts to combat drug trafficking, it is also vital that future funding be increased beyond the 2006 level, and that the funding formula be reviewed so that a few states are not asked to bear a disproportionate financial burden.

I am not suggesting that the federal government assume the entire cost of drug enforcement. I am only asking that the federal government, as a partner in the fight against crime, pay its fair share. Only by substantially increasing the JAG funding will it meet its obligation as a partner in this critical effort.

Respectfully submitted,

Wayne Stenehjem

Wayne Stenehjem
Attorney General

State of North Carolina
Department of Justice

Roy Cooper, Attorney General

May 27, 2008

The Hon. Robert C. Scott, Chairman
Subcommittee on Crime, Terrorism and Homeland Security
1201 Longworth House Office Building
Washington, DC 20515

The Hon. Louie Gohmert, Ranking Member
Subcommittee on Crime, Terrorism and Homeland Security
508 Cannon Building
Washington, DC 20515

Dear Rep. Scott and Rep. Gohmert:

I write as the Attorney General and chief law enforcement officer of North Carolina to ask you to reauthorize the Edward Byrne Memorial Justice Assistance Grant Program (Byrne-JAG) at the 2006 funding levels.

North Carolina prosecutors, law enforcement officers and the criminal justice system have made good use of the Byrne-JAG program to join forces in the fight against crime. These grants have allowed us to find innovative ways to prevent crime and to improve the criminal justice system.

North Carolina relies on the Byrne-JAG program to supplement its public safety efforts locally and across the state. Our state uses the funds to support: law enforcement, prosecution and court programs, prevention and education, corrections and community programs, drug treatment, planning, evaluation, technology improvement programs, and crime victim and witness programs. The grants are a vital resource to combat crime.

So it is with great alarm that we saw fiscal year 2008 cut the Byrne-JAG program was by two-thirds. Although Congress authorized more than $1 billion, only half was appropriated for fiscal year 2007. The appropriation was then dramatically reduced to $170.4 million in fiscal year 2008, a circumstance resulting in a call by all 56 members of the National Association of Attorneys General to have this funding restored. For the fiscal year 2009 budget, the President has once again proposed elimination of the program.

Department of Justice, 9001 Mail Service Center, Raleigh, North Carolina 27699-9001
Phone: (919) 716-6400 Fax: (919) 716-0803

In my North Carolina Department of Justice, the Byrne-JAG grants are being used to help our North Carolina State Bureau of Investigation agents solve crime by linking evidence and law enforcement communications nationwide. For example:

- Terrorism and Crime information sharing: One project facilitates the information exchange between all law enforcement agencies in North Carolina, including federal authorities. The NC ISAAC program has collected, analyzed, and disseminated critical Homeland Security and select law enforcement investigations information throughout the state, and has received more than 300 information leads.

- DNA Database enhancement: Another project provides supplies and equipment for analysis and storage of Convicted Offender DNA samples. The inclusion of these criminals' profiles for comparison with crime scene evidence solves violent crimes and exonerates the innocent both here in North Carolina and across the country.

- Title III Remote Technical Interdiction Drugs/Gangs: This project enhances interdiction techniques within the Federal Wiretap Act capabilities. The SBI is the only state law enforcement agency with statutory authority to conduct wiretap operations, and Title III cases often involving drug trafficking and conspiracy, and often gangs.

Outside the SBI, other agencies will see their ability to prevent and prosecute crimes threatened if the federal program is reduced.

For example, an initiative through the Governor's Crime Commission to provide local gang violence prevention programs with $4 million through 2008 Byrne-JAG is now in peril. Our state has invested $4.8 million in state funds to match the federal effort but now find the federal funds in jeopardy. Our state's Sheriffs',rely heavily on the grants to secure assets to aid investigators in targeting criminals across county and state lines.

These law enforcement cuts come at a difficult financial time for our state. Budget cuts in North Carolina are threatening resources for our law enforcement and prosecutors. At the same time, drugs such as heroin, prescription narcotic, and methamphetamine abuse are in our communities.

The proposed reductions could significantly reduce our criminal justice system's ability to protect communities. As you know, most crime prevention and enforcement occur at the state and local level. Federal funding for state and local law enforcement programs has become an essential component of public safety initiatives and the sole source of funding for multi-jurisdictional drug task forces which enable federal, state and local law enforcement to collaborate to combat complex drug trafficking organizations that feed violent crime in our communities.

The grants have been decreasing since FY 2003. Meanwhile, some violent crimes have risen, and with the downturn in the economy we fear that crime will increase.

Thank you for your consideration of this important matter, and for your work on behalf of the people of our nation. Should you have any questions regarding this request, please feel free to contact Julia White in my office at (919) 716-0042.

Very truly yours,

Roy Cooper

RAC/sm

ATTORNEY GENERAL
STATE OF MONTANA

Mike McGrath
Attorney General

Department of Justice
215 North Sanders
PO Box 201401
Helena, MT 59620-1401

May 21, 2008

The Honorable Robert C. Scott, Chairman
The Honorable Louie Gomert, Ranking Member
Subcommittee on Crime Terrorism and Homeland Security
Committee on the Judiciary
U.S. House of Representatives

Dear Representative Scott:

I am grateful for the opportunity to write in support of HR 3546, maintaining the Edward Byrne Memorial Justice Assistance Grant Program at 2006 funding levels.

In a largely rural, sparsely populated state like Montana, drug task forces are crucial to law enforcement agencies, helping small departments that may not have the manpower or budget to coordinate complicated, lengthy drug case investigations.

This year, however, Montana is facing a massive cut from $2.15 million to about $788,000. There is no way the state could continue to operate its seven drug task forces. There would be no choice but to shut down some of them, negating years of law enforcement cooperation and progress in curbing drug abuse.

Task forces help erase the borders between cities, counties, reservations, states and other countries. They allow communities to share experience and expertise. Task forces help agencies exchange information and intelligence.

And, as you know, Byrne-JAG funds provide vital support to treatment, education and prevention programs. They help fund drug courts, law enforcement collaboration, gang prevention efforts and prisoner reentry programs.

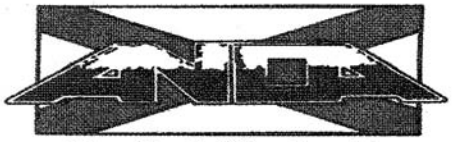
In Montana and in states like Montana, multijurisdictional drug task forces work. I urge the subcommittee to support HR 3546 and continued, consistent funding of the Edward Byrne Memorial-Justice Assistance Grant Program.

Very truly yours,

MIKE McGRATH
Attorney General

MM/lds

TELEPHONE: (406) 444-2026 FAX: (406) 444-3549 E-MAIL: contactdoj@mt.gov



Alabama Narcotic Officers' Association
Post Office Box 190206
Birmingham, Alabama 35219

To the Honorable Members of the House of Representatives Committee of the Judiciary, Subcommittee on Crime, Terrorism, and Homeland Security,

Greetings,

As an 18 year veteran of the Birmingham Police Department, Vice President of the Alabama Narcotics Officers Association, and member of the National Narcotics Officers Association, I have witnessed the destruction of human life that has occurred through the abuse and trafficking of illegal substances. I am just one member of an organization that represents 44 state narcotic officer associations and over 70,000 members of law enforcement. As a law enforcement representative, I respectfully request that you fully support the Byrne-Justice Assistance Grant (JAG) for law enforcement. Byrne-JAG provides necessary funding to local law enforcement, drug courts, and rehabilitation programs in the fight of the epidemic of drug trafficking. Drug trafficking is an *international* problem that affects the quality of life at a neighborhood level. This is an issue where state and local law enforcement requires additional support and funding from the federal government to combat the scourge of drug addiction, organized crime, and terrorism.

One police officer, deputy sheriff, or investigative agent, cannot fight organized crime and drug traffickers alone. It takes an organized, team effort. Byrne-JAG has allowed police departments, sheriff's offices, state and federal agencies to work together. An example of the success of Byrne-JAG occurred on March 5, 2008. On this date a nationwide arrest sweep of drug offenders occurred. Nineteen Byrne-JAG drug task forces from across the state of Alabama participated in an effort targeting drug *dealers* in rural and urban neighborhoods, not *addicts* or *users*. The drug task forces arrested 286 persons and resulted in the seizures of stolen property, cocaine, marijuana, methamphetamine, 23 "meth" labs, $25,013.00 in drug trafficking proceeds, and the rescue of 15 children from endangered homes. Nationally on this date, according to the statistics compiled by the National Alliance of State Drug Enforcement Agencies (NASDEA), the totals for the operation yielded 4,220 arrests and the seizures of 20,851 pounds of marijuana, 2,886 marijuana plants, 1,749 pounds of cocaine, 120 pounds of methamphetamine, 6,973 pharmaceutical pills, 13,244 ecstasy pills and a variety of other drugs. Byrne-JAG Task Forces also seized a total of 105 methamphetamine labs, 666 firearms and $13,463,832.00 in U.S. Currency. A total of 228 children were determined to be endangered and those cases were referred to the appropriate child protection agency.

As I have mentioned, the federally funded Byrne-Justice Assistance Grant not only funds vital law enforcement drug task forces across the nation, but also rehabilitation programs. It is vital that Congress properly fund this grant for local law enforcement. State and local governments cannot fight this international epidemic alone without the assistance of the federal government.

Sincerely,

Jim Henderson
Southern Vice President
Alabama Narcotics Officers' Association
BPDnarc@aol.com
(205) 317-4544

June 17, 2008

The Honorable John Conyers
2426 Rayburn House Office Building
Washington, DC 20515-2214

The Honorable Lamar Smith
2409 Rayburn House Office Building
Washington, DC 20515-2114

Dear Chairman Conyers and Ranking Member Smith:

The undersigned groups urge you to not reauthorize the Byrne Justice Assistance Grant (JAG) program without reforming it. The program is perpetuating racial disparities, police corruption, over-incarceration and civil rights abuses. This is especially the case when it comes to the program's funding of hundreds of regional anti-drug task forces across the country. These task forces, which have very little state or federal oversight and are prone to corruption, are at the center of some of our country's most horrific law enforcement scandals.

The most well-known Byrne-funded scandal occurred in Tulia, Texas where dozens of African American residents (representing nearly half of the adult black population) were arrested, prosecuted and sentenced to decades in prison, even though the only evidence against them was the uncorroborated testimony of one white undercover officer with a history of lying and racism. The undercover officer worked alone, and had no audiotapes, video surveillance, or eyewitnesses to corroborate his allegations. Suspicions arose after two of the accused defendants were able to produce firm evidence showing they were out of state or at work at the time of the alleged drug buys. Texas Governor Rick Perry eventually pardoned the Tulia defendants (after four years of imprisonment), but these kinds of scandals continue to plague the Byrne grant program.

These scandals are not the result of a few "bad apples" in law enforcement; they are the result of a fundamentally flawed bureaucracy that is prone to corruption by its very structure. Byrne-funded regional anti-drug task forces are federally funded, state managed, and locally staffed, which means they really do not have to answer to anyone. In fact, their ability to perpetuate themselves through asset forfeiture and federal funding makes them unaccountable to local taxpayers and governing bodies.

The Criminal Jurisprudence Committee of the Texas House of Representatives is one of the few governing bodies to examine why Byrne-funded task forces are so engulfed in scandals. After comprehensive hearings, the Committee decided to essentially abolish the state's federally-funded regional anti-drug task forces because they are inherently prone to corruption. The Committee reported, "Continuing to sanction task force operations as stand-alone law enforcement entities - with widespread authority to operate at will across multiple jurisdictional lines - should not continue. The current approach violates practically every sound principle of police oversight and accountability applicable to narcotics interdiction."

A 2002 report by the ACLU of Texas identified seventeen scandals involving Byrne-funded anti-drug task forces in Texas, including cases of falsifying government records, witness tampering, fabricating evidence, stealing drugs from evidence lockers, selling drugs to children, large-scale racial profiling, sexual harassment, and other abuses of official capacity. Byrne-related scandals have grown so prolific

that the Republican-led Texas legislature recently passed several reforms in response to them, including outlawing racial profiling and changing Texas law to prohibit people from being convicted of drug offenses based solely on the word of an undercover informant.

Texas is not the only state suffering from Byrne-funded law enforcement scandals. Recent scandals in other states include the misuse of millions of dollars in federal grant money in Kentucky and Massachusetts, false convictions based on police perjury in Missouri, and making deals with drug offenders to drop or lower their charges in exchange for money or vehicles in Alabama, Arkansas, Georgia, Massachusetts, New York, Ohio, and Wisconsin. A 2001 study by the Government Accountability Office found that the federal government fails to adequately monitor the grant program and hold grantees accountable.

We urge you to overhaul the Byrne Justice Assistance Grant program. While there are a number of reforms that should be considered, three stand out:

- Require law enforcement agencies receiving federal funding to enforce a ban on racial profiling and document their traffic stops, arrests, and searches by race, ethnicity, and gender (and designating money for data collection if needed).
- Mandate that federal funding can only be used for anti-drug activity if a state adopts legislation preventing people from being convicted of drug offenses based solely on the word of another individual without any corroborating evidence.
- Condition federal funding on establishment of statewide indigent defense systems, or require that a percentage of the federal grant go toward indigent defense programs.

These sensible reforms would go a long way towards improving the program. If steps are not taken to reduce corruption and protect civil rights, we urge you to re-consider reauthorizing the Byrne Justice Assistance Grant program.

American Civil Liberties Union
American Civil Liberties Union of Texas
The Brennan Center for Justice
Colorado Criminal Justice Reform Coalition
Community Court
Drug Policy Alliance
Drug Reform Coordination Network
Interfaith Drug Policy Initiative
Justice Policy Institute
Legal Services for Prisoners with Children
National Association of Blacks in Criminal Justice
National African-American Drug Policy Coalition
National Black Police Association
National Council of La Raza
Open Society Policy Center
Prisons Foundation
The Rebecca Project for Human Rights
Reentry Solutions
Tejano Center for Community Concerns
United Methodist Church, General Board of Church and Society
Unitarian Universalist Association of Congregations

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