

STATEMENT OF
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COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON COMMERCE, JUSTICE, SCIENCE, AND
RELATED AGENCIES

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Good morning Chairman Wolf, Ranking Member Fattah, and Members of the Subcommittee. Thank you for the opportunity to meet with you today to discuss the President's Fiscal Year 2012 budget for the Office of Justice Programs (OJP) and OJP's key priorities.

I wish to begin by thanking the Subcommittee for its leadership in addressing the public safety concerns of the American people. I particularly want to commend you, Mr. Chairman, for your leadership in helping our nation create a smarter, more effective criminal justice system. Your efforts have helped to bring about a spirit of bipartisanship on many important crime and justice issues on Capitol Hill and in state houses and town halls across the country.

President Obama has said that "protecting citizens is our first and most solemn duty in government." However, the economic crisis that began two-and-a-half years ago has taken a heavy toll on state and local budgets, and public safety agencies are suffering. Last summer, the city of Oakland, California laid off 80 police officers, representing 10 percent of its force. In January, more than 160 officers in Camden, New Jersey – half of the police department – were forced to turn in their badges. In Cincinnati, Ohio, officers are facing massive lay-offs, demotions, and until recently, the possibility of a merger with the Hamilton County Sheriff's Office. These are just a few of the historically high-crime cities that have seen critical public safety jobs sacrificed to shrinking municipal budgets. These headlines sound an ominous note for public safety in America.

I believe we are at a crossroads. Visionary police leadership and innovative community-based approaches have fueled a remarkable crime decline, but with public safety departments struggling to make payroll – not to mention dealing with a proliferation of responsibilities associated with homeland security and 21st-century crime-fighting – the peace we have secured on our streets is an uneasy one. The challenges

faced by criminal and juvenile justice practitioners today remain formidable and demand a robust federal response, yet the fiscal hardships being felt at the state and local levels have also, of course, come to Washington. As the members of this Subcommittee understand, we must ensure that every federal dollar spent is spent wisely.

We have a responsibility to be smart about fighting crime, to provide public safety officials the information they need to make the best decisions about crime-fighting strategies, and to help them leverage resources – federal, state, local and tribal – to meet the needs that they have identified in their jurisdictions. OJP is uniquely situated to provide this support, and I believe we have an urgent responsibility to do so.

Just as we expect our state and local partners to be smarter in their approaches, OJP must be smarter in the way we do business. We must build on partnerships that we have already established with the field to make sure basic criminal and juvenile justice needs are being met. We must seek to expand our base of knowledge about what works in fighting crime and make sure that knowledge gets out to the field in a comprehensible, useable way. To meet the President’s call for discipline in our own ranks, we must continue to ensure that federal funds are used judiciously and are well-accounted for.

The President’s FY 2012 Budget request for OJP is \$3.0 billion. The Budget represents a net decrease of approximately \$125 million from the FY 2011 Continuing Resolution level. Considering the tremendous need for OJP’s leadership and resources among its state, local, and tribal partners in the current economic climate, the request reflects an earnest effort to maximize federal resources, achieve efficiencies, and make the difficult decisions necessary to respond to current fiscal realities. I believe it is also worth noting that in spite of a heightened workload resulting from grants awarded under the American Recovery and Reinvestment Act (Recovery Act) – administration and monitoring of more than 3,300 of which continue to this day – salaries and related expenses for OJP represent only 7 percent of the total budget request.

The Budget reflects three thematic priorities commensurate with these charges – enhancing partnerships, strengthening science and evidence-based programs, and ensuring effective stewardship.

Enhancing Partnerships

Last year before this subcommittee, I discussed the critical importance of partnerships between OJP and state, local, and tribal governments. Given the budget challenges we all are facing, those partnerships are more important today than ever. The Edward Byrne Memorial Justice Assistance Grants (JAG) Program epitomizes the

federal-state-local partnership in public safety. Through the years, Byrne JAG funding has supported a wide range of activities designed to reduce and prevent crime, violence, and drug abuse. It has supported both basic criminal justice operations and innovative crime-fighting approaches. Indeed, I view Byrne JAG as OJP's flagship program.

In 2009, we began placing a heightened emphasis on supporting projects under Byrne JAG that demonstrate effectiveness. This evidence-based strategy has yielded results. For example, the Hawaii's Opportunity Probation with Enforcement (HOPE) program, funded as a Byrne JAG subgrant, is a highly promising model in which high risk probationers face immediate, predictable, and proportionate sanctions for probation violations. Research has shown remarkable success rates among participants, including the difficult population of methamphetamine users. One study found that HOPE probationers were 55 percent less likely to be arrested for a new crime, 72 percent less likely to use drugs, and 53 percent less likely to have their probation revoked than other probationers. The program is considered a model of the benefits of applying swift and certain punishment – and is being replicated in other jurisdictions.

President Obama said during his campaign that Byrne JAG is the cornerstone of federal law enforcement assistance. He has been true to his word and to his commitment to our state and local crime-fighters. This year's budget request maintains the level of Byrne JAG funding enacted in FY 2010 and requested by the President in FY 2011 – \$519 million.

Strong intergovernmental and community partnerships are critical if we hope to solve arguably the most significant criminal justice problem in America today, namely, the reintegration of the nation's prisoners and jail inmates. Approximately 730,000 individuals come out of prison every year, along with between 9 and 12 million who cycle in and out of America's jails.

Fortunately, the issue of reentry has been embraced by both sides of the political aisle. The Second Chance Act, passed by a Democratic Congress and signed into law by then-President George W. Bush, is the embodiment of bipartisanship in the field of crime and justice. And here I want to commend and sincerely thank you, Mr. Chairman, for your leadership and your consistent advocacy, as well as the advocacy of other members of the subcommittee. It is no exaggeration to say that the Second Chance Act has fundamentally reframed our national discussion on this issue.

Under our Second Chance Act program, we now support some 250 reentry projects that link criminal and juvenile justice agencies with community organizations to provide employment assistance, substance abuse treatment, housing, family

programming, mentoring, and other services, all designed to help reduce recidivism and strengthen public safety. Funding also supports the National Reentry Resource Center, which provides a one-stop shop for state-of-the art information and assistance, and research investments to study the impact and effectiveness of reentry programs.

Reentry is a major policy issue of concern to OJP, the Department, and the Administration. In January, the Attorney General convened the first meeting of the Interagency Reentry Council, which includes seven Cabinet-level secretaries, the Commissioner of the Social Security Administration, the Director of the Office of National Drug Control Policy, the Director of the White House Domestic Policy Council, the Executive Director of the White House Office of Faith-Based and Neighborhood Partnerships, and the Chair of the U.S. Equal Employment Opportunity Commission. I had the opportunity to attend this meeting and see these leaders demonstrate their commitment to and engagement on this issue. I also wish to point out that OJP is leading the staff-level effort – which now includes 17 different federal agencies – and is making excellent progress on the Council’s key goals.

Enhancing reentry programming will remain a focus of OJP activities. The President’s budget proposes \$100 million for Second Chance Act programs in FY 2012, maintaining the level of funding enacted in FY 2010 and requested by the President in FY 2011.

Many of the most persistent public safety challenges, such as gang and youth violence, cannot be addressed by law enforcement alone. Rather, they require a comprehensive interagency approach that relies on schools, social service agencies, and community organizations to address both the crime problems and their underlying causes. Research and on-the-ground experience have shown that collaborations between law enforcement and the community, especially approaches that target defined areas, can be very effective in reducing crime and improving relationships between criminal justice officials and the citizens they are sworn to protect.

The Department of Justice is part of a White House-led initiative, coordinated with the Departments of Education and Housing and Urban Development, to support cost-effective, place-based policy solutions to neighborhood revitalization. As a critical part of this initiative, the Byrne Criminal Justice Innovation Program will build on the success of the Weed and Seed strategy, which has been instrumental in encouraging innovative, place-based community responses to crime. The President’s budget proposes \$30 million for this program.

Strengthening partnerships is critical to preventing and controlling crime in America's cities, but it is absolutely essential if we are to meet our responsibilities – both legal and moral – to our nation's tribal communities. Crime rates in Indian country far exceed national rates. Native Americans are victimized at two-and-a-half times the national rate, and Native women experience sexual assault at almost three times the rate of other women. Historically, resources for fighting crime on tribal lands have lagged well behind what is called for to address the problem. In recognition of this terrible discrepancy, President Obama last year signed the Tribal Law and Order Act, which provides new tools to fight crime and assist victims and strengthens tribes' authority to prosecute and punish criminals.

Under the Attorney General's guidance and direction, the Department of Justice continues its work to build tribal public safety capacity. A series of regular government-to-government consultation sessions has enabled a steady flow of information and resources between the Department and tribes, and the Consolidated Tribal Assistance Solicitation has made public safety funding from OJP, the Office of Community Oriented Policing Services, and the Office on Violence Against Women easier for tribal officials to access. The President's budget request builds on that progress by proposing a set-aside of seven percent of OJP's discretionary funding for tribal justice assistance programs. These funds would provide almost \$114 million for tribal court enhancement, alcohol and substance abuse treatment, and tribal prison construction.

Strengthening Science and Evidence-Based Programs

In my view, there is no more central federal role in public safety than the development and diffusion of knowledge about what works in preventing and controlling crime. Recognition of this important role has deep roots, going back to President Johnson's Crime Commission, continuing through with the Attorney General's Task Force on Violent Crime under President Reagan, and echoed loudly by the recent report from the National Research Council, *Strengthening the National Institute of Justice*. With our collective resources strained to their limits, relying on evidence gathered through scientifically sound research is an imperative for policymakers and legislators.

We have been working diligently in OJP and throughout the Department of Justice to build our base of knowledge, translate that knowledge into practice, and otherwise promote scientific integrity in the work we do. In November, the Attorney General appointed an 18-member Science Advisory Board to guide the efforts of OJP in developing evidence-based policies and programs. The Board held its inaugural meeting in January.

On top of this important step, OJP has undertaken an agency-wide evidence integration initiative designed to assess the state of our understanding about what works in reducing and preventing crime and determine how to use that information to fight crime more effectively. The goal of this effort is to get this information out to the field in a comprehensible, practical format. We have already begun to explore strategies for packaging and sharing research about gangs and children exposed to violence and have plans to expand our activities into other areas. The President’s budget request supports this initiative by proposing \$1 million for an online resource center that will provide practitioners and policymakers with a single source of information about what works and what is promising in criminal and juvenile justice. It also proposes \$6 million for a State and Local Assistance Help Desk and Diagnostic Center, which will serve as a “one-stop shop” for jurisdictions that seek assistance in developing and implementing evidence-based strategies.

The President’s budget proposal reflects a systemic commitment to science in its inclusion of a three-percent set-aside of all OJP grant and reimbursement funds for research, evaluation, and statistical purposes. The funds available would support research to enhance the value of forensic science, a data experiment to measure the cost and effectiveness of the criminal justice system, an evaluation of diversion strategies, a study of law enforcement line-of-duty vehicular deaths, and several other research and data projects that address Administration and Congressional priorities.

The potential of science to improve our understanding of the causes of crime and how to reduce it is nowhere greater than in its application to children who are exposed to violence. Last September, the Attorney General launched his signature Defending Childhood initiative. Its goals are to prevent children’s exposure to violence as victims and witnesses, mitigate the negative effects experienced by those who are exposed, and develop knowledge about and increase awareness of the issue. The initiative supports demonstration and seed projects in sites across the country, but its ultimate aim is to improve our understanding of the causes and consequences of exposure to violence. With this objective in mind, the President’s budget reflects funding to support a comprehensive program of research and evaluation that will entail rigorous field experiments and an ongoing data collection effort. A total of \$25 million is sought for this initiative under the title, “Children Exposed to Violence.”

This evidence-based approach also continues to be the underpinning of the Smart Policing Initiative administered by the Bureau of Justice Assistance. OJP currently funds 16 projects that pair law enforcement agencies with universities to identify crime problems and jointly develop strategies for tackling those problems. For example, the Glendale, Arizona Police Department is partnering with Arizona State University to

address crime and disorder issues, focusing on convenience stores identified as crime “hot spots.” The President’s budget proposes \$10 million to continue and expand this initiative.

Ensuring Effective Stewardship

OJP is doing its part to achieve efficiencies and streamline activities, and I have put a premium on ensuring strict accountability of federal funds. Since 2000, the Department’s Office of Inspector General (OIG) has identified grant management as one of the Department’s top ten management challenges. The OIG has stated that, while it is important to efficiently award the billions of dollars in grant funds appropriated by Congress annually, it is equally important to maintain proper oversight over the grantees’ use of these funds to ensure accountability and effective use of taxpayer dollars.

Since my return to OJP in January 2009, I have made this issue one of my top three priorities. As a result, OJP has tackled this challenge aggressively, establishing policies, procedures, and internal controls to ensure sound stewardship, strong programmatic and financial management, and effective monitoring and oversight of OJP’s grant programs. This policy and internal control framework positions OJP to carry out statutory mandates and requirements and prevent waste, fraud, and abuse of the billions of taxpayer dollars OJP awards in grants each fiscal year.

Within this framework, OJP conducted on-site programmatic and financial monitoring of grants totaling over \$3 billion in FY 2010. In addition, OJP has established common procedures and guidance to improve the quality and completeness of monitoring across OJP, as well as provided effective tools for grants managers, including risk assessments to identify grantees in need of increased technical assistance and oversight.

OJP has developed comprehensive plans for overseeing both its Recovery Act and its non-Recovery Act grants, including a financial monitoring and technical assistance plan and a post-award performance and risk management plan. We have worked closely with the OIG in developing those plans and taken prompt action to address issues raised by that office, including providing for whistleblower training for OJP staff, grant fraud training at OJP-sponsored conferences and meetings, and grantee training on risk-prone activities such as financial management, internal controls, and the reporting of financial and program results.

OJP also has embraced and implemented many of the recommendations from the OIG's 2009 report, *Improving the Grant Management Process*. We have worked closely with grantees and the OIG to address issues identified in grant audits, and we have streamlined our follow-up audit activities, eliminating existing backlogs and allowing for more timely resolution of outstanding audit recommendations. In FY 2010, OJP closed 151 of the 288 open single and OIG grant audit reports, which represents a return of \$3.3 million to the federal government for unallowable or unsupported costs.

In her oversight testimony before this Subcommittee in February, the Acting Inspector General noted the "positive steps" the Department had taken to improve its grant management practices, in particular calling our efforts to implement the Recovery Act "extraordinary," and stating that OJP has improved its monitoring and oversight of grants. We will continue to work closely with the OIG to make sure OJP's grant administration process is fair and transparent and demonstrates effective stewardship of federal funds.

Conclusion

Chairman Wolf, Ranking Member Fattah, and Members of the Subcommittee, I want to thank you for this opportunity to discuss the Office of Justice Programs' priorities and detail new investments sought for FY 2012.

With this budget, the Office of Justice Programs will work with Congress to ensure that funds appropriated to OJP are used effectively and transparently to support our state, local, and tribal partners and to promote smart-on-crime approaches. I look forward to working with you and the Members of the Subcommittee toward these goals.

I am pleased to answer any questions you might have.