

**U.S. Senate  
Committee on the Budget - Field Hearing  
March 26, 2008 - Fargo, North Dakota**

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Testimony Regarding  
Federal Funding of Law Enforcement and First Responders

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Submitted by:  
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The Fargo/Moorhead area contains the highest concentration of people in North Dakota and western Minnesota. It rests at the crossroads of interstate highways 29 and 94. It is home to North Dakota State University, Concordia College, Minnesota State University-Moorhead, University of Mary-Fargo, and a variety of other educational institutions. It is a key employment and economic hub in the region. It is not an insular community, but rather a blend of people with differing backgrounds, cultures and birthplaces - home to a growing population and a temporary way-station for others. For many reasons this convergence of factors is a great blessing and must be nurtured. For a few reasons, such as the presence of drug and sexual crimes, that convergence is not a blessing.

As Cass County State's Attorney, my prosecutorial staff handles everything from traffic violations to murder. During my tenure I have seen considerable growth in drug cases. In 2007, we filed about 1,000 new drug crime and related asset forfeiture cases. Over the last several years the ND Legislature increased the severity level of many drug crimes and implemented significant mandatory minimum penalties. Facing ever more aggressive prosecution and incarceration, defendants' efforts to contest their drug charges have grown. In order to address these changes, I increased our staff from one full-time drug prosecutor in 1999 to four in 2008, and formed them into a drug team with dedicated support staff.

The increased presence of methamphetamine (meth) has been a scourge throughout the midwest. However, new meth cases have decreased by about 1/3 over the last year in our area. This is likely linked to the successful prosecution by the local U.S. Attorneys office of large drug conspiracy cases in recent years (with cooperation by local law enforcement and our office). As a result, fewer major dealers are now operating in this region and meth is less available. However, anecdotal information indicates the supply and use of cocaine is rising to fill the void. Furthermore, I understand that in other jurisdictions where a drug crackdown has occurred, the supply of a targeted drug may rebound in subsequent months. We must remain vigilant.

Last fall, the Fargo Police Department received a COPS grant, which included, among

other things, over \$150,000 for a dedicated meth prosecutor in my office. I recently filled the position with an experienced prosecutor who will engage community groups with educational programs aimed at some root causes of drug use, strengthen ties with local drug enforcement units and develop new approaches for coordinating and tracking meth cases. These COPS funds will allow us to be more proactive in keeping major drug dealers out of this region, keeping drugs out of the hands of our children and strengthening the family unit by limiting the impact of drug use.

While you can find almost every illicit drug in this community, by volume the primary concerns have been meth and marijuana. Over the last several years, the impact of drugs on the criminal justice system cannot be measured by drug charges alone. Although difficult to measure, drug use also accounts for increased robberies, burglaries, thefts, assaults and domestic violence. A few years ago, a brutal murder occurred just a few blocks from my home in the heart of Fargo. It was about a drug debt worth a few hundred dollars. At the time of the murder, the defendants said they had been using meth.

Our drug caseload not only impacts police and prosecutors, but clogs the court calendars and taxes the jails, the prison and the foster care system. It does not stop with these direct impacts on the "system". Unfortunately drug use leads to disintegration of the lives of its users and those around them. Not only do these drug offenders drain their financial assets, endanger their health and forfeit their liberty, they also lose their careers, their families, their friends, and their ability to comprehend or care about anything other than their next "fix". We are unable to gauge another potential impact of their drug use - namely, what choices their children may make in the future about using drugs themselves.

A particularly disturbing impact of drug use is its contribution to child abuse and neglect. Children exposed to drugs at home may have related medical issues. The long-term impacts of those issues are little understood. Here and around the country social service agencies are reporting increased out-of-home placements for children of drug-using parents. A recent study indicated that 25% of our local social service cases had some meth component. This same drug use complicates and lengthens family reunification efforts. Even if reunification occurs, given drug-related recidivism (particularly meth) the reunification may not last. Furthermore, when parents expose their kids to a drug environment we may prosecute the parent for child endangerment.

In an effort to progressively deal with drug cases, we are now operating two Adult Drug Courts (ADCs) in Cass County. The first ADC was so effective over the past 5 years, that we started another in December 2007. These specialty courts are partially funded by DOJ grants. Our graduation rate is nearly two of every three participants accepted into the ADC. This rate is impressive given that ADC is a more difficult route than traditional supervised probation – with more time in front of a judge, more direct contact with a probation officer, curfew checks, drug testing and intense treatment. Recidivism is low – 17.8% for ADC graduates versus 83.3% for traditional parolees. While engaged in the ADC, the participants are financially supporting themselves and their

families while undergoing treatment. This approach helps lower the societal costs of drug and alcohol abuse – social service programs, child support enforcement or benefits, recidivism, family counseling, incarceration expenses and Court time.

In addition to drug issues, we see here an unfortunate number of sexual crimes against children. In order to provide for the medical and emotional needs of the victims, together with limiting the footprint the criminal justice system leaves on their spirits, we formed a multi-disciplinary Child Advocacy Center (CAC). The use of the internet to set up victims of sexual crimes, and the multi-state travel of the criminals themselves, reflects a crime that knows no boundaries. The CAC supports our region, straddling both county and state lines. Given the multi-state aspect of these crimes, it seems appropriate to share the financial responsibility of combating those impacts between the local, state and federal governments.

Lastly, the training and retention of good prosecutors is an important element in a successful criminal justice system. Certainly that is as true in North Dakota as anywhere. That element can be supported by Congress in a couple of ways. First, it is important to provide a measure of student loan forgiveness for lawyers who engage in public sector work, like prosecuting, where salaries are traditionally low. Second, access to sophisticated and high quality prosecutorial training programs, and the ability for prosecutors throughout the country to share their experiences, is crucial. Both of those itches are scratched by the National District Attorneys Association at the Ernest F. Hollings National Advocacy Center (NAC) in Columbia, South Carolina. It is our national prosecutorial training center, serving both federal and state prosecutors. Congress has provided valuable support to the NAC for a decade. But recently that funding has been limited, the NAC's ability to provide the needed services has been severely strained and prosecutors throughout the country are losing an invaluable resource. Congress' increased support for the NAC is urgently needed.

I thank Sen. Conrad for this important field hearing regarding financial resources for law enforcement and first responders. I thank Congress for providing continued financial assistance to local drug-fighting efforts, and encourage its support for the important efforts of the Child Advocacy Center here, student loan forgiveness for public sector lawyers and the National District Attorneys Association/National Advocacy Center in South Carolina. That assistance is a needed and valuable investment in our communities.