

**U.S. Senate
Committee on the Budget - Field Hearing
February 20, 2007 - Fargo, North Dakota**

Testimony Regarding
Federal Funding of Law Enforcement and First Responders

Submitted by:
Birch P. Burdick
Cass County State's Attorney
Fargo, North Dakota

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 multiple reasons, such as the level 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. I have seen our greatest growth in drug cases. In 2006, our new drug crime and related asset forfeiture cases numbered about 1,100. Over the last 6 years the drug cases have doubled. During that same time frame, 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 to three, and formed them into a drug team with dedicated support staff.

Under ND law, every meth charge is a felony. Some charges, such as possessing 50 or more grams (about 1/10th of a pound) of meth, or possessing with intent to deliver meth within 1,000' of a school, are ranked as our highest level of crime and punishable by up to life imprisonment. While you can find almost every drug illicit drug in this community, by volume the primary concerns are meth and marijuana. Not only is a significant and growing portion of our drug charges meth-related, but because of the potential penalties those cases form a disproportionately high number of the heavily contested cases. Yet the impact of meth on the criminal justice system cannot be measured by drug charges alone. Although difficult to measure, meth use also accounts for increased robberies, burglaries, thefts, assaults and domestic violence. Two years ago, a brutal murder occurred just a few blocks from my Fargo home. It was about a drug debt worth a few

hundred dollars. At the time of the murder, the defendants said they were using meth. A violent and senseless murder also occurred about two years ago near Moorhead, again over a small drug debt.

A particularly disturbing impact of meth use is its contribution to child abuse and neglect. Children exposed to meth 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 meth-using parents. A recent study indicated that 34% 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 meth-related recidivism, the reunification may not last. Furthermore, when parents expose their kids to a meth environment we may prosecute the parent for child endangerment.

With the assistance of past Byrne Grant funding we formed a drug task force pooling the resources of various local law enforcement agencies and the State's Attorneys office. It is separate from, but works in conjunction with, the local DEA drug task force efforts. That funding in the past has helped support about 0.5 FTE drug prosecutors in my office. In addition to aggressive investigation, arrest, prosecution and asset forfeiture, we have made progressive efforts to deal with low level drug offenders. For example, within the criminal justice system we established both adult and juvenile drug courts to concentrate on treatment and rehabilitation of drug users who are neither dealers nor manufacturers. Recent changes in federal budgeting has essentially limited that assistance to our office to a *de minimus* amount.

The increasing 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 meth 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.

In addition to drug issues, we see here an unfortunate number of sexual crimes against children. In order to properly 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 seems to know no boundaries. The CAC supports the region, straddling both county and state lines.

The impact of meth usage on individuals and families strains local and state resources. The same is true of the CAC. With those strains, and the multi-state aspect of the crimes, it seems appropriate to share the responsibility of combating those impacts

between the local, state and federal government.

I thank Sen. Conrad for this important hearing regarding financial resources for law enforcement and first responders. I am concerned about the recent decrease in related federal funding at a time when the problem of drug and sexual crimes are at a high level. I encourage Congress to increase its assistance to local efforts in combating meth use, manufacture and delivery across the United States, and to support the important efforts of the Child Advocacy Center. That assistance is a needed and valuable investment in our communities.