



Department of Justice

STATEMENT

OF

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BEFORE THE

**COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE**

ENTITLED

**“BUILDING SAFER COMMUNITIES: THE IMPORTANCE OF EFFECTIVE
FEDERAL-LOCAL COLLABORATION IN LAW ENFORCEMENT”**

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**Statement of James H. Burch, II
Deputy Director
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Office of Justice Programs
U.S. Department of Justice**

**Before the
Committee on the Judiciary
United States Senate
Field Hearing, Carvel State Office Building, Wilmington, DE**

**“Building Safer Communities: The Importance of Effective Federal-Local Collaboration in
Law Enforcement”**

June 20, 2011

Chairman Coons and Chairman Leahy, thank you for this opportunity to testify here today and to discuss federal assistance for state, local and tribal law enforcement and the importance of effective federal-local collaboration in law enforcement.

My name is James Burch and I am the Deputy Director of the Bureau of Justice Assistance (BJA) in the Office of Justice Programs (OJP), U.S. Department of Justice (DOJ). From January 20, 2009, until June 6, 2011, I served at the request of President Obama as the Acting Director of BJA, DOJ’s largest funding and support agency serving state, local and tribal law enforcement. BJA’s mission is to provide leadership and services in grant administration and criminal justice policy development to support state, local, and tribal justice strategies to achieve safer communities. BJA partners with OJP’s bureaus and offices: the Bureau of Justice Statistics; the National Institute of Justice (NIJ); the Office of Juvenile Justice and Delinquency Prevention; the Office for Victims of Crime; and the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) to provide leadership, research, information, and essential funding in support of state, local, and tribal criminal and juvenile justice strategies to achieve safer communities.

OJP believes we have the responsibility to be smart about fighting crime, to collectively provide public safety officials information they need to make the best decisions about crime-fighting strategies, to help them leverage resources – federal, state, local and tribal – to meet their needs in their jurisdictions, and to assist them in developing these strategies in ways that promote cost savings, efficiencies, and sustainability.

In recent years, our country has experienced a historic decline in crime – in my view, due largely to visionary law enforcement leadership and innovative community-based approaches at the local level. However, challenges remain for us to address together. While crime rates overall remain extraordinarily low, some communities are experiencing spikes in specific types of crime, gang violence continues to plague many of our nation’s cities, and the continuing threat of terrorism posed by domestic and foreign extremists remains an enduring, constant challenge

for our justice systems and our communities. As all levels of government are experiencing exceedingly difficult budgetary problems, we need to make sure we utilize taxpayer dollars wisely. To accomplish this, BJA is investing in building stronger partnerships to support local, state, and tribal agencies, and investing in innovative programs and evidence-based approaches that are effective and efficient. Effective federal-local collaboration requires strong partnerships, in addition to partnering with state, local and tribal law enforcement, BJA works very hard to collaborate with criminal justice organizations and federal law enforcement. I also want to acknowledge the important collaboration between the Department's Office of Community Oriented Policing Services – better known as the COPS Office, and BJA to support state, local, and tribal law enforcement. BJA and COPS are working together to coordinate training and technical assistance and on key topics including officer safety, legitimacy and community trust, and in other areas. COPS Office resources are critical to local law enforcement and our coordinated support will ensure that we are as efficient as possible in improving community safety.

State, Local, and Tribal Partnerships

Supporting our partnerships with state, local, and tribal law enforcement remains a top priority of this Administration and of the Department of Justice. In particular, the Administration remains firmly committed to the Edward Byrne Memorial Justice Assistance Grant (JAG) program. The JAG Program, administered by BJA, is the leading source of federal justice funding to state and local jurisdictions. JAG was purposely designed to be very flexible to empower states, tribes, and local governments to support a range of activities designed to reduce and prevent crime, violence, and drug abuse. JAG is a vital source of funding for state, local, and tribal law enforcement. It has supported both basic criminal justice operations and innovative crime-fighting approaches. Since 2009, BJA has provided over \$16 million in JAG funding to Delaware and eligible local jurisdictions. JAG is BJA's and indeed, OJP's flagship program. The Administration has again requested \$519 million in funding for JAG in the Fiscal Year (FY) 2012 budget request.

Every year, jurisdictions across the country use JAG funding to discover new ways to reduce and prevent crime, violence, and drug abuse, and to improve the criminal justice system. Identifying successful and promising practices that improve community safety is a priority for BJA. To that end, we created the JAG Showcase, an online resource that highlights JAG sub-grantee and/or statewide projects that have demonstrated success or shown promise. We believe the Showcase will serve as a resource to support criminal justice professionals in the field who seek to stay informed about some of the most interesting, innovative, results-oriented projects that have been funded with JAG money in the last several years.

Here in Delaware, the State's Criminal Justice Council has emerged as a strong leader in using JAG funding to support the state's most pressing and chronic justice system issues, such as working with persons who enter and return to the system with mental illness and addressing violent crime. The Council's leadership has worked collaboratively with other state agencies to identify these critical issues and to build strategic partnerships to address the issues that impact Delaware communities, both urban and rural.

BJA also supports state, local and tribal agencies through our National Training and Technical Assistance Center. Training and technical assistance are some of the most effective uses of public safety dollars. BJA offers a robust infrastructure providing training for law enforcement, courts, corrections, substance abuse and mental health service providers, justice information sharing professionals, crime prevention specialists, and tribal communities. This past April in Dover, BJA hosted training on the characteristics of an armed gunman to approximately 200 law enforcement and corrections personnel. Our services focus on imparting information and skills from experts in the field and from local peers that target the specific needs and evolving issues facing the criminal justice community. Eligible recipients – which include any justice organization, not just those that receive our funding – can also request a variety of assistance online. We continuously update our offerings, based on emerging needs from the field, and we are looking to expand the range of resources available to every community.

BJA's training and technical assistance are the underpinning of many of our new and innovative programs; as budgets continue to shrink and grant funding opportunities become more and more competitive, our training and technical assistance will become even more vital to supporting our state, local, and tribal law enforcement partners quickly and effectively.

Supporting Officer Safety

BJA strives to reduce preventable injuries and deaths by emphasizing officer safety through the Attorney General's Officer Safety Initiative and our Officer Safety Training and Technical Assistance portfolio to support state, local, and tribal law enforcement efforts. Every day, these officers make tremendous sacrifices, and every day they risk their lives. Tragically, we have all seen and heard the stories about law enforcement officers killed in the line of duty. In 2010, officer line of duty deaths increased by 40 percent over 2009. Since January 2011, 84 law enforcement officers have been killed in the line of duty.¹ BJA's programs aid the thousands of state, local, and tribal law enforcement agencies across the country, these officers' families, and their communities.

While resources to improve officer safety are being stretched locally and nationally, BJA's Bulletproof Vest Partnership (BVP) Program has provided approximately \$30 million each year to law enforcement agencies across the nation to assist them in purchasing body armor for their officers. Through the BVP Program, state, local and tribal governments are reimbursed up to 50 percent of the cost of each unit of eligible body armor purchased for law enforcement officers. In some cases, agencies may be eligible for a waiver, which allows them to be reimbursed the full cost of each unit of eligible body armor. Agencies can purchase the best protection available, meeting the needs of their officers, as long as the vests are compliant with the latest NIJ standards at the time of purchase. While this is a substantial investment for such a specific type of protective equipment, BJA actually receives more applications for the program than it has funds to distribute.

Unfortunately, research and data confirm what we know instinctively: that while body armor saves lives, not all officers wear their protective gear. Research has shown that nearly all agencies report supplying law enforcement officers with body armor, but "only about half of

¹ As of June 9, 2011.

these agencies (59 percent) indicated that they require their officers to wear body armor at least some of the time. Less than half of the agencies that mandate that body armor be worn have a written policy on this issue, making enforcement of the policy more complex.”²

With the high demand for vests annually, BJA is committed to ensuring that taxpayer funds dedicated to the BVP Program are being used wisely, making sure that vests purchased with these funds are actually being worn by officers and protecting lives. To accomplish this, beginning this year, the Department established a requirement that all agencies applying for funding through the BVP Program have a written, mandatory wear policy in place for all uniformed officers. The policy helps ensure accountability in the use of taxpayer resources while providing flexibility to local officials to grant certain exceptions to the policy as these local officials best know their agency and community needs. In developing the new policy, BJA collaborated with national law enforcement and labor groups.³ Further, both the International Association of Chiefs of Police Executive Board and the Federal Bureau of Investigation’s (FBI) Law Enforcement Executive Development Associations have endorsed the mandatory wear policy by passing a resolution in support of the requirement.

Because of this new requirement, the BVP Program and our commitment to officer safety is stronger than ever. Since January 1, 2011, more than 20 officers have been saved because they were wearing a protective vest when assaulted. Of those saves, nine vests were purchased with assistance from the BVP Program, a priceless return on the investment of taxpayer dollars and a blessing for the families and co-workers of the officers.

In October 2010, Attorney General Eric Holder announced a new initiative, called VALOR, (Preventing Violence Against Law Enforcement Officers and Ensuring Officer Resilience and Survivability), which is administered by BJA. VALOR is designed to prevent violence against law enforcement officers and ensure officer resilience and survivability following violent encounters during the course of their duties. VALOR responds to the precipitous increase in ambush-style assaults that have taken the lives of many law enforcement officers in recent months. BJA hosted the first of the trainings this year, and the President has included \$3.5 million in funding in the FY 2012 budget request to expand this effort nationwide as quickly as possible.

BJA is honored to administer the Public Safety Officer Benefits (PSOB) Program to assist the families of our nation’s public safety officers who are killed or catastrophically injured while serving their communities. The PSOB Program is a unique partnership effort between the U.S. Department of Justice; local, state, tribal, and federal public safety agencies; and national organizations. It provides death and education benefits to survivors of fallen law enforcement officers, firefighters, and other first responders, and it also provides disability benefits to officers who are catastrophically injured in the line of duty. The PSOB Office reviews nearly 700

²Bruce Taylor et al, 2009, *The BJA/PERF Body Armor National Survey: Protecting the Nation’s Law Enforcement Officers. Phase II Final Report. August 9, 2009*, Washington, DC: Police Executive Research Forum. www.bja.gov/pdf/PERF_BodyArmor.pdf

³ It is important to note, this requirement is purposefully restricted to uniformed officers and provides the flexibility needed for agency leaders to determine what exceptions, if any, are needed for certain types of uniformed assignments, climate conditions, medical exceptions, etc.

claims submitted each year on behalf of America's fallen and injured public safety heroes and their loved ones. In 2010 alone, more than \$65 million in PSOB benefits assisted the families of public safety officers killed or catastrophically injured while serving their communities.

Information Sharing

Strong information sharing is also an important component to supporting and strengthening partnerships with law enforcement agencies nationwide. BJA's Justice Information Sharing (JIS) program supports grants to replicate innovative and cost effective implementation of state, local, and tribal justice information systems. This includes supporting information sharing in small or rural law enforcement and criminal justice agencies. BJA's JIS Team leads the nation's training and technical assistance subject matter experts to maximize results from justice information sharing. BJA also supports the Regional Information Sharing Systems, or RISS, which provides a secure network for sharing law enforcement information among federal, state, local, and tribal law enforcement agencies, while maintaining local control over the data. BJA has provided approximately \$412.3 million in funding for RISS over the past ten years. The funding provides investigative, intelligence analysis, and forensic support, investigative equipment loan program, criminal activity bulletins and publications, and training and technical assistance for state, local, and tribal law enforcement. Additionally, RISS enables its over 8,800 agency members and their employees to search and have access to a number of RISS databases, resources, and access to over 40 additional databases provided by member agencies. Understanding the importance of RISS from the field, BJA will continue to work with our law enforcement partners to support RISS.

Every day, law enforcement officers at all levels of government—federal, state, local, and tribal—observe suspicious behaviors or receive such reports from concerned civilians, private security companies, and other government agencies. In today's policing, "connecting the dots" of suspicious activity before an incident occurs has become an integral and imperative part of the job for our law enforcement professionals, from the officer on the street to supporting fusion center analysts.

BJA's Nationwide Suspicious Activity Reporting Initiative (NSI), working in close partnership with local law enforcement agencies, the FBI, the Department of Homeland Security (DHS), and national law enforcement associations, creates a national capacity for gathering, documenting, processing, analyzing, and sharing Suspicious Activity Reports (SARs), helping to ensure that law enforcement agencies across the nation can better "connect the dots" and share this information with fusion centers and Joint Terrorism Task Forces to prevent acts of terrorism and other crimes. BJA is working to expand NSI to support development and implementation of a national SAR system to assist law enforcement agencies to identify and prevent potential acts of terrorism. A critical aspect of this has been to ensure privacy, civil rights, and civil liberties protections are foundational and essential elements to the initiative. To date, NSI has provided SAR front line officer training to 42,455 state, local and tribal law enforcement officers, and 3,846 federal law enforcement officers. Law enforcement here in Delaware, particularly the Delaware State Police, has been very helpful in shaping this effort for other law enforcement agencies across the United States. We are grateful for their leadership and guidance through this remarkable partnership.

In addition to the NSI, and as part of the Department's effort to support national information-sharing initiatives, BJA has also actively partnered with DHS to support the National Network of Fusion Centers. This network consists of 72 fusion centers, including the Delaware Intelligence and Analysis Center. These centers serve as the focal points within the state and local environment for the receipt, analysis, gathering, and sharing of threat-related information between the federal government and state, local, tribal, territorial and private sector partners. Through a partnership with DHS, BJA has also supported the delivery of over 300 technical assistance deliveries since 2007 for fusion centers across the country. This program – the Fusion Process Technical Assistance Program - has been recognized as a model approach for interagency support to fusion centers. The Delaware Intelligence and Analysis Center participated in one of these trainings and were highlighted for their best practices to the other fusion centers.

Evidence-Based and Innovative Programs

Within BJA, we have worked to strengthen and implement evidence-based approaches and data-driven solutions into our business processes. BJA's Smart Policing Initiative (SPI) is just one example. SPI seeks to build on the concepts of offender-based and place-based policing or "hotspot" policing by replicating evidence-based practices or encouraging new, unique solutions to public safety problems and criminogenic circumstances. BJA works closely with law enforcement agencies to develop tactics and strategies that are effective, efficient, and economical, as measured by reduced crime. Currently, SPI is a collaborative consortium composed of BJA, CNA, and sixteen local law enforcement agencies that are either testing new solutions or modifying previously identified interventions for serious crime problems in their jurisdictions. The 16 agencies are attacking a wide range of problems such as juvenile prescription drug abuse; street and commercial robberies; persistent, localized gun violence; and, neighborhoods plagued by chronic burglaries. We hope these agencies will develop solutions that are not just effective but are feasible for the many law enforcement organizations hard-pressed by substantial budget reductions. This year, BJA is looking to expand the number of participating law enforcement agencies.

Another example of a data-driven approach is our Justice Reinvestment Initiative (JRI). In partnership with the Council of State Government's (CSG) Justice Center, and other national organizations, BJA launched its JRI in 2006. This approach is a highly strategic effort that includes extensive collection and analyses of corrections, crime, and resource data. By using this approach, state, local, and tribal policymakers are better able to assess their criminal justice systems and implement policy options that control spending on corrections and ensure that those cost savings are reinvested in other criminal justice benefits and services, such as substance abuse prevention and treatment programs to prevent crime and increase public safety.

JRI has shown significant results in communities throughout the country. For example, Vermont was among the states with the fastest growing prison populations in the nation despite being one of the least populous states in the country. To keep pace with growth in the prison population, state spending on corrections increased from four percent of state general funds in 1990 to 10 percent of state general funds in 2008. Over several years, Vermont policymakers designed numerous innovative strategies to reduce recidivism, including intensive community-

based supervision and substance abuse treatment, but no data-driven mechanism existed to guide resource decisions. Consequently, policymakers could not track the impact of these programs on recidivism rates and public safety. With bipartisan support, policymakers in Vermont decided to employ a Justice Reinvestment strategy using rigorous data analyses. In turn, the state enacted new policies and programs that, if implemented effectively, will help reduce the state's need to contract for out-of state assistance to house the prison population and avert the need to construct new prisons, yielding an estimated \$54 million in net savings between FY 2009 and FY 2018. State officials reinvested \$3.9 million of the savings over a two-year period to support assessment tools to identify people with substance abuse needs prior to release, to expand in-prison substance abuse treatment and vocational training, and to increase funding for a transitional housing program to include housing assistance and life skills training.

I am also pleased to report today that we recently selected the State of Delaware as a recipient of assistance through JRI, in light of the leadership and strong history of collaboration among criminal justice players here in the state.

We have also begun placing a heightened emphasis on supporting evidence-based projects under JAG. This strategy has yielded significant results. For example, Hawaii's Opportunity Probation with Enforcement (HOPE) program, originally funded as a JAG sub-grant, is a highly promising model that uses swift and certain punishment to help probationers abstain from illegal drug use and comply with other conditions of probation. Research has shown remarkable success rates among participants, including the difficult population of methamphetamine users. One study, funded by NIJ, 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 probationers not enrolled in the program. HOPE is a promising program that may be a solution to a revolving door for drug-involved offenders in the criminal justice system. However, to realize its full potential and to understand the longer-term impact, the program needs to be replicated and evaluated elsewhere. This year, BJA is partnering with NIJ to do just that – to replicate and evaluate the program. BJA intends to provide funds for as many as four jurisdictions interested in implementing Honest Opportunity Probation with Enforcement (HOPE), which will be implemented the same as Hawaii's Opportunity Probation with Enforcement (HOPE), and NIJ will select a research team to conduct an evaluation of the BJA demonstration sites.

Evidence Integration Initiative

Investing in evidence-based programs is a priority for the President and the Attorney General. We have also been working diligently in OJP and throughout the Department to build our base of knowledge, translate that knowledge into practice, and otherwise promote scientific integrity in the work we do. When Assistant Attorney General Laurie O. Robinson first returned to OJP, she pledged to instill a focus on data-driven, evidence-based approaches to reduce crime and to restore the integrity of, and respect for, science. She launched an Evidence Integration Initiative, or E2I. This OJP-wide effort has three objectives: 1) improve the quantity and quality of evidence that we generate through research, evaluations, and statistics; 2) better integrate evidence into program and policy decisions; and 3) improve the translation of evidence into practice.

E2I is helping us expand programs that work, build solid research on innovative programs, and reform those that don't work. E2I will help criminal justice policymakers and practitioners better understand what works. 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.

As part of the E2I effort, this week OJP will launch crimesolutions.gov, which is a searchable online database of evidence-based programs covering a range of justice-related topics, including corrections; courts; crime prevention; substance abuse; juveniles; law enforcement; technology and forensics; and victims. The site will be announced to the public on Wednesday, June 22 and is a tool to understand, access and integrate scientific evidence about programs into programmatic and policy decisions. The site already includes information on more than 125 justice-related programs and assigns "evidence ratings" – effective, promising, or no effects - to indicate whether there is evidence from research that a program achieves its goals.

Science Advisory Board

To further institutionalize respect for research and science at the agency, OJP recommended the creation of a Science Advisory Board as a means of bridging the divide between research and practice in the criminal justice fields. In November 2010, the Attorney General appointed an 18-member Science Advisory Board, chaired by leading criminologist Alfred Blumstein, Ph.D., and consisting of scholars and practitioners in criminology, statistics, sociology and practitioners in the criminal and juvenile justice fields. The Science Advisory Board will help to guide the efforts of OJP in developing evidence-based policies and programs and to ensure the programs and activities are scientifically sound and pertinent to policymakers and practitioners. The Board held its inaugural meeting in January.

Conclusion

Chairman Coons and Chairman Leahy, I would like to thank you again for the opportunity to be here today and to testify at this field hearing. So much of the responsibility for crime control and prevention falls to law enforcement officers in states, cities, and neighborhoods across our country. Delaware has been a place of great opportunity to leverage partnerships and to learn from the local efforts in place and now emerging. It is vital that we create, strengthen, and support these partnerships with the federal government. As I have highlighted here today, this is much of what BJA's purpose is – to support our partners in the field working on the front lines. We look forward to continuing to work with you on these issues discussed today.

This concludes my testimony. I am pleased to answer any questions you may have.