

STATEMENT FOR THE RECORD

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**“Luxury Jets and Empty Prisons: Wasteful and Duplicative Spending at the
Department of Justice”**

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Subcommittee on Crime, Terrorism, Homeland Security and Investigations

Committee on the Judiciary

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Chairman Sensenbrenner, Ranking Member Scott, Members of the Subcommittee, I appreciate the opportunity to appear before you today to discuss the spending priorities at the Department of Justice, including successful ways that the Department supports state and local law enforcement and the effective functioning of the criminal justice system.

I am the elected Sheriff of Hennepin County, Minnesota and here today in my capacity as President of the Major County Sheriffs' Association (MCSA), whose membership is comprised of elected sheriffs from counties across the country with populations of 500,000 people or more, representing a combined 100 million Americans. I also serve on the Board of the National Sheriffs' Association and as chair of NSA's Homeland Security Committee. Additionally, I represent the Sheriffs Associations on the Department of Homeland Security's Interagency Threat Assessment and Coordination Group (ITACG), the Criminal Intelligence Coordinating Council (CICC), and on the Director of National Intelligence's Homeland Security/Law Enforcement Partners Group.

The start of my now 29 year career in law enforcement was as a police officer in the Minneapolis Police Department. I also served nearly a decade in the Minnesota State Legislature and was appointed by the Governor as the Commissioner of Public Safety & Director of Homeland Security for Minnesota.

Some would suggest that the federal government has no legitimate role to play in supporting state and local law enforcement and the effective functioning of the criminal justice system. In truth, the federal investment is a tiny portion of overall spending on criminal justice. According to a 2008 estimate by the Bureau of Justice Statistics of Census Bureau data, states

and local governments invested \$75.9 billion in “police protection” (and total spending on criminal justice services tops \$160 billion.) *The federal government that year contributed another \$2.6 billion, totaling just 3 percent. Today that contribution is about half that amount.* But the value and reach of the Department of Justice’s (DOJ) justice assistance grant programs far exceed the small investment. We leverage the grant dollars to innovate; to test new ideas; to measure performance; and then to replicate what works. What I experience with the federal grant programs - like the Byrne Justice Assistance Grant (Byrne JAG) program and the Regional Information Sharing System (RISS) and the Residential Substance Abuse Treatment (RSAT) program – is not waste or duplication. Rather, I see the careful, smart, effective deployment of scarce resources, usually in partnership with state and local funding, to prevent crime, enforce our laws, partner with federal law enforcement agencies and protect victims.

Crime is at an all-time low in this country; as low as the 1960’s. The grant programs aren’t the only reason for this historic and sustained drop in crime, but study after study have proven what we know to be true – that the innovative policing and other crime-fighting tools tested and replicated because of the federal grant programs have played a significant role and we ignore those lessons at our peril.

Crime in this country – including in rural areas – is increasingly driven by regional, national and even transnational gangs and drug trafficking organizations. Fighting these crimes requires sophistication and coordination across all levels of government in ways unheard of just a decade ago. State and local law enforcement officers are the first responders, the “boots on the ground,” for every day acts of crime, for natural disasters and acts of terror. We provide the foundation for every criminal investigation, including those that become federal

investigations. Federal law enforcement cannot do their jobs as successfully if we can't do ours successfully. And because of the changing nature of crime, the expansion of criminal networks into the heartland, neither of us can do our jobs successfully unless we are working together and in partnership. This is the work that the federal grant programs pay for. When we track and enforce drug trafficking, gang violence, human trafficking, sexual predators or financial crimes, we are more successful when we work together, including participation in multi-jurisdictional task forces. The federal support is vital to our collective success. So to critics who say that the federal government does not have a role in supporting state and local crime fighting initiatives, I say, the "national" government cannot afford NOT to.

The major purpose of the Department of Justice (DOJ) justice assistance grant programs is to spur innovation and to test and replicate smart, evidence-based practices. Over the past 20 years we have implemented and fine-tuned intelligence-led policing, community-oriented policing, and other innovations, all of which were supported in part by a range of DOJ grant programs. Through these programs (and, yes, through DOJ-supported training conferences), we learn from each other what works and we are able to implement these successful approaches where they are needed. Frankly, we have gotten better at doing our jobs, *together*. With over 18,000 law enforcement agencies across our great country, cross-jurisdictional learning cannot happen without the national government's assistance.

Our fundamental mission of providing public safety also underpins our economic recovery. It goes without saying that business does not invest where crime flourishes. Also, individuals returning from prison and jail often need support, treatment, and tools for stable employment if they are to become productive members of society who contribute to our

nation's economic vitality and who are able to sustain healthy families and vibrant communities. And the federal investment in crime prevention has "off-the-book" savings as well.

According to the most recently available report, the total ***economic loss to victims in 2008 exceeded \$17 billion for both violent and property crimes***. Think of the savings we have achieved with this historic drop in crime.

We must also recognize that, by the federal grant programs, the states are serving as the laboratories of democracy for initiatives that, once proven successful, can and should be replicated in the Federal Bureau of Prisons (BOP). This is no small benefit given that BOP spending continues to rise, requiring ever greater resources that are needed at the Federal Bureau of Investigation, the Drug Enforcement Agency, and by other functions of the Department. Texas, Ohio, Kansas, Michigan, and many other states have shown remarkable success in reducing crime, lowering recidivism, restoring families, and saving taxpayer money – all at the same time. This is not waste and duplication. This is the taking a hard look at the data and the drivers of crime and redeploying resources to address those gaps and meet those needs.

I'd like to talk a minute about the Byrne JAG program specifically and the misunderstanding that arises when people hear that the grant program is flexible and can be used for the same purposes as other grant programs. The assumption seems to be that this flexibility is bad, or allows for wasteful duplication. In fact, the exact opposite is true.

The goal of eliminating waste through identification of unnecessary duplication is laudable and obviously appropriate in this fiscal climate. But some of the information in the

Government Accountability Office (GAO) report of 2012 regarding duplication and overlap among DOJ grant programs is concerning because it leads to conclusions that misunderstand how these programs are used in the field. The report did not cite specific examples of duplication, but rather offered examples of where duplication is perceived to be possible. I am aware of some examples in the GAO report where no actual duplication is evident. I'm also aware that DOJ regularly shares information across programs to reduce chances for duplication. In one of the examples cited in the report, the grant recipient – a state law enforcement agency – used funding from three separate programs to support three separate efforts in the state addressing human trafficking, internet crimes against children, and sex offender identification. The three grants enabled separate and distinct programs supporting enhancements to law enforcement and the criminal justice system throughout the state.

Further, it is not only entirely appropriate but also critically important to be able to draw upon several funding streams to create comprehensive initiatives. Because of Byrne JAG's flexibility, we can identify a need and craft a response pulling resources from several sources if and when necessary. When homemade methamphetamine first exploded in the Midwest, we were without the tools to meet the challenge. It was because of Byrne JAG, together with COPS and, later, drug courts and RSAT funding that we were able to address interdiction, pseudoephedrine tracking, treatment, and laboratory clean-up to get ahead of the trend and, if not eradicate the scourge, at least dampen its reach. This is not duplication. This is not waste. This is careful planning and leveraging of resources.

The committee should also be aware that there is a great deal of coordination that happens at the state and local level. Sixty percent of Byrne JAG funding flows through the State Administering Agencies, or SAAs. Most SAAs are the cabinet-level criminal justice planning agency focusing on crime prevention, law enforcement, domestic and sexual assault prevention and response, juvenile justice and crime victims' services.

A requirement of the Byrne JAG program is that SAAs conduct statewide strategic planning, bringing together all the relevant partners to determine priorities and set joint strategies for reducing crime. Because the SAAs manage multiple federal and state funding streams, they weave together various sources of funding, including from the private sector, into a comprehensive strategy. In my state of Minnesota, the SAA oversees virtually all of the Department of Justice grant programs, including Byrne JAG, Victims of Crime Act funding and Violence Against Women Act programs. It also oversees the substance abuse treatment, DNA testing, and juvenile delinquency prevention grants. I am a member of Minnesota's Violent Crime Coordinating Council that advises the Governor and Commissioner of Public Safety on the statewide crime reduction strategy. So while we know that silos do exist at the state and local government levels, much like they do at the federal level, the SAAs are able to function across those silos and to build partnerships with local governments with the one goal of preventing and fighting crime.

Also, the SAAs have been engaged in a years-long effort, funded by the Bureau of Justice Assistance (BJA) and assisted by the National Criminal Justice Association (NCJA), to embed evidence-based practices in every program Byrne JAG funds. These practices strengthen the

capacity of local communities to think smartly about their allocated funds. In this context, the word “overlap” can have two quite contradictory meanings. It can assume a duplication of effort and the waste of taxpayer money. Or it can describe the ability to fit together resources efficiently and without waste.

As the sheriff of a major metropolitan community that has felt the impact of this recession, I can assure you that no one – no one – would apply for, and use, grant money for overlapping or duplicative purposes. What incentive is there for someone to take money and use it for the same thing twice? In a time of scarce resources, a time in which we find ourselves now, it would not be in the best interest of any grantee to use money for the same purpose twice, when we are seeing some of our fundamental building blocks in our communities crumbling.

I’d also like to address a GAO report (GAO-13-471) released just last week on field-based information sharing activities. The report acknowledges that some overlap is actually beneficial when it comes to sharing criminal intelligence including possible terrorism-related information. "The efforts of JTTFs, FIGs, RISS centers, fusion centers, and HIDTA Investigative Support Centers to gather, analyze, and disseminate law enforcement, public safety, and terrorism-related information are essential for our nation’s homeland security. Similarities in their activities and customers can provide benefits through competing or complementary analysis and corroboration of reports."

Federal support for the DOJ justice assistance grant programs has been cut by almost \$1.5 billion over the last two fiscal years, a reduction of 43 percent. In addition, the

Department of Homeland Security grants have been cut nearly 50 percent over the same period. And now we face new cuts from sequestration. And while it is too early to predict the exact magnitude or impact of the sequester, some of the collaborative, joint investigative efforts I mentioned earlier will have to be scaled back to the point where they can no longer be effective and may have to shut down. Once this happens, it is extremely difficult to reconstitute joint investigations and multijurisdictional task forces. You simply cannot flip these efforts off and on like a light switch and we will struggle to find ways to rebuild any capabilities that are lost. I am already hearing from Sheriffs across the country representing the largest metropolitan areas. Due to the decreased federal grant funding for these programs, they already have reduced the number of personnel assigned to state and local multi-jurisdictional task forces. That is bad for public safety, that is bad for homeland security, and it is especially concerning since protecting citizens is the number one responsibility of government at all levels.

Mr. Chairman, Ranking Member, thank you again for allowing me to appear before you today on this extremely important topic. I'm happy to answer any questions you or other members of the committee may have.