

**STATEMENT**

**OF**

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OFFICE OF JUSTICE PROGRAMS**

**BEFORE THE**

**SUBCOMMITTEE ON COMMERCE, JUSTICE, SCIENCE,  
AND RELATED AGENCIES  
COMMITTEE ON APPROPRIATIONS  
UNITED STATES HOUSE OF REPRESENTATIVES**

**ON**

**THURSDAY, April 22, 2010  
WASHINGTON, DC**

Chairman Mollohan, Ranking Member Wolf, and distinguished Members of the Subcommittee, I am pleased to have this opportunity to discuss the President's budget request for the Office of Justice Programs (OJP) for Fiscal Year (FY) 2011.

I had the privilege of coming before this Subcommittee many times while serving as Assistant Attorney General in the 1990s under President Clinton and Attorney General Reno and again, at your invitation, as a private citizen in 2007. I returned to OJP at President Obama's behest because I firmly believe that OJP should reestablish strong relationships with its state, local, and tribal partners. We have seen many innovations in criminal and juvenile justice over the last decade, and I want to use OJP's leadership role to get that information to the field and to help our partners put into place crime-fighting strategies that are based on evidence of effectiveness. I am honored to be serving under President Obama and Attorney General Holder, both of whom care deeply about our mission and the health and safety of America's communities. I know that their commitment is shared by the Members of this Subcommittee, and I commend you for your dedication to preventing and reducing crime.

OJP's mission is to increase public safety and improve the fair administration of justice across America through innovative leadership and programs. We do this by providing information, research and development, statistics, training, and support to help the state and local justice community build its capacity. We also do it by encouraging local innovation through national policy leadership. The President's FY 2011 request

includes a total of almost \$3.1 billion to support OJP activities. This represents a decrease of \$62.4 million from the level enacted in FY 2010.

I want to acknowledge up front that some of the changes you will see in our request are primarily the result of budget considerations. If we could fund every worthy program, we would. These were tough decisions. But I also want to assure you that decisions related to offsets were made carefully, and no changes were made that risked compromising the Department's public safety goals.

### **Partnerships**

I believe strongly that a central theme for OJP should be partnership – partnership with communities and partnership with our state, local, and tribal stakeholders. Rebuilding partnerships was a central reason I agreed to come back to OJP. It was this commitment to partnership that was behind our award of \$5.6 billion in grants last year to states, localities, tribal communities, and others. Almost half of that came from money appropriated by Congress under the American Recovery and Reinvestment Act (Recovery Act). And I am proud that the Department of Justice was the Cabinet department with the fastest rate of Recovery Act awards, awarding 99 percent of Recovery Act funds in 7 months.

Building state and local capacity is OJP's primary responsibility. By far, most of the work being done every day to enforce the law, prosecute criminals, run our

courtrooms, house prisoners, manage probationers and parolees, assist victims, and prevent juvenile delinquency is done by state and local criminal and juvenile justice practitioners. According to the latest data from our Bureau of Justice Statistics, criminal justice expenditures at the state and local levels amount to some 83 percent of all criminal justice expenditures; federal criminal justice operations consume the other 17 percent.<sup>1</sup> Ninety-four percent of all felony convictions are made in state, as opposed to federal, court, and almost 87 percent of prisoners are held in state facilities.<sup>2</sup> And that excludes the almost 800,000 people being held in local jails on a given day.<sup>3</sup>

The workload of our nation's law enforcement officers, prosecutors, judges, corrections officials, victim service providers, and juvenile justice practitioners continues to increase and intensify. To date, they have risen to, and met, the challenge. Thanks to their efforts, crime in many cities is at its lowest level in decades. But the state and municipal budgets that support their activities are shrinking, as you know too well, and public safety professionals now must deal with homeland security issues as well as more familiar neighborhood crime. Whether we can maintain our progress and continue to enjoy falling crime rates in light of these challenges is an open question – the answer to which depends on how wisely we invest our resources.

The Administration's commitment to supporting our state and local criminal and juvenile justice partners was reflected in the programs administered by OJP under the Recovery Act last year, particularly the Edward Byrne Memorial Justice Assistance

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<sup>1</sup> <http://bjs.ojp.usdoj.gov/content/glance/tables/expgovtab.cfm>.

<sup>2</sup> <http://bjs.ojp.usdoj.gov/content/pub/pdf/fssc06st.pdf> and <http://bjs.ojp.usdoj.gov/content/pub/pdf/p08.pdf>.

<sup>3</sup> <http://bjs.ojp.usdoj.gov/content/pub/press/pim07jim07pr.cfm>.

Grants (JAG) Program. Between the Recovery Act and our regular appropriations, OJP awarded \$2.5 billion in Byrne JAG funding in FY 2009 to support law enforcement operations and other criminal justice activities. Byrne JAG funding through the years has been critical in supporting a range of crime control and prevention activities, including law enforcement operations, prosecution and court programs, community corrections activities, education, and technology enhancements. In fact, I view Byrne JAG as our flagship program at OJP. The President's budget request for FY 2011 includes \$519 million for the Byrne JAG program. This is the same level of funding enacted in the FY 2010 appropriations, and I would like to express my appreciation for the Subcommittee's steadfast support of this vital program.

The budget also includes \$330 million for the State Criminal Alien and Assistance Program (SCAAP). SCAAP will continue to provide federal payments to states and localities that incur correctional officer salary costs for incarcerating illegal aliens. This program is another clear example of the important role the federal government plays in supporting state and local criminal justice efforts. And again, I want to acknowledge the support of Congress.

### **Evidence-Based Programs**

Continued support of our criminal and juvenile justice stakeholders through programs such as Byrne JAG remains critical during these challenging economic times. Equally important is ensuring that the methods they use are based on evidence of

effectiveness. Our Byrne JAG program increasingly focuses on promoting evidence-based programs in law enforcement and other sectors of the justice system. The President's budget proposal continues that focus. Several of our programs require that applicants demonstrate they are proposing evidence based approaches in order to be eligible for funding, e.g., research grounded programs that have successful results such as reducing recidivism or lowering drug use among offenders. Our "Smart Policing: Evidence-Based Law Enforcement" program, to be administered by our Bureau of Justice Assistance (BJA), is one such example. The request includes \$10 million for this program. Its purpose is to take advantage of what we know about the effectiveness of approaches such as "hot spots" and intelligence-led policing. Grant recipients would work with research partners to identify a crime issue through rigorous analysis and develop strategies and tactics to address the problem. For example, in Philadelphia, police are working with Temple University to address crime in several micro-hot spots responsible for violent crime in the city. The result would be smarter, data-driven law enforcement practices.

Similarly, the President is requesting \$10 million for a program called "Smart Probation: Reducing Prison Populations, Saving Money, and Creating Safer Communities." I think most of us would agree that managing our corrections population is a critical challenge facing our justice system. Some 2.3 million men and women are held in the custody of prisons or jails – but an additional 5 million are under some form of community supervision, either probation or parole.<sup>4</sup> Those numbers are only expected to rise. Over the years, we have given remarkably little attention to probation and parole,

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<sup>4</sup> <http://bjs.ojp.usdoj.gov/content/pub/press/p08ppus08pr.cfm>.

and few resources. Yet it is offenders under community supervision, not those behind bars, who pose the greatest potential risk to public safety. Some states and communities have found effective ways of managing their probationers and parolees. The Smart Probation program would build on that progress by helping jurisdictions improve supervision strategies through better and more targeted data collection and analysis, better interagency coordination, and training and technical assistance. As an example of an evidence-based approach, the Hawaii HOPE program is a highly promising model in which high risk probationers go before a judge who issues a clear warning that any probation violation, including a failed drug test or a “no show” for probation appointments, will have swift and certain consequences. This can result in the offender going to jail within 48 hours. The jail sentence can be very short, but this intervention has reduced re-arrests by more than 50 percent, especially significant because many of the participants are methamphetamine users.

## **Research**

Another of my top priorities in returning to OJP has been to ensure not only that what we fund is based on evidence from research, but also that we do a better job of translating that research for the benefit of policymakers and practitioners in the field. Best evidence-based practices require sound data and quality research. In recent years, our National Institute of Justice (NIJ) has supported ground-breaking research on issues such as the use of DNA evidence to solve property crimes, the effectiveness of mapping crime “hot spots,” the role of sexual assault nurse examiners in improving criminal

investigations and aiding victims, and identifying forensic markers in elder abuse.

Meanwhile, our Bureau of Justice Statistics (BJS) has provided important data on topics ranging from prison rape and sexual victimization in juvenile facilities to intimate partner violence and school safety, and continues to provide data profiles of law enforcement agencies, prosecutors' offices, courts, and other sectors of the justice system.

The President's budget proposal envisions strengthening our capacity to generate credible data and research findings that can be used by practitioners in the field. In addition to the \$70.8 million being requested for NIJ and \$62.5 million requested for BJS, the President's budget would allow the Assistant Attorney General to set aside 3 percent of all funds available for OJP grant and reimbursement programs to be used for research, evaluation, and statistical purposes. This will give us the flexibility to devote our resources to grounding program activities in sound science and to address emerging issues in response to Administration and Congressional priorities.

We also are proposing specific research and data initiatives that can help better connect OJP's research to our state and local constituents. When I returned to OJP last year, I launched an agency-wide evidence integration initiative to assess the state of our understanding about what works in reducing and preventing crime and to determine how to use that information to help communities fight crime more effectively. To advance that effort, the President's budget request includes \$1 million for a new Evaluation Clearinghouse/What Works Repository, which we call a Crime Solutions Resource Center, that would provide practitioners and policymakers with a single, online source for

information about what works and what is promising in criminal and juvenile justice. Also as part of the initiative, \$6 million would go to establishing a State and Local Assistance Help Desk and Diagnostic Center, housed in BJA, to help jurisdictions diagnose public safety problems and develop evidence-based strategies to address them.

In addition, under a program entitled “Stopping Crime, Block by Block: Demonstration Field Experiments, Action Research, and Basic Research on Crime and Justice,” the budget requests \$10 million to allow NIJ to launch and rigorously test innovative crime-fighting efforts in targeted communities. This initiative would support multi-site demonstration field experiments, action research that allows researchers and practitioners to work together to address immediate problems, and basic research to build foundational knowledge about the causes and consequences of crime, delinquency, and violence.

### **Offender Reentry**

The President’s budget would also continue the Administration’s commitment to offender reentry programs. With the support of Congress, we have made substantial investments in reentry services under the Second Chance Act. Second Chance Act funding is providing employment assistance, substance abuse treatment, housing, mentoring, family programming, and a host of other services to help offenders reintegrate into their communities. In addition, we currently devote \$10 million to support an intra-agency research and evaluation initiative to rigorously study what works and what

doesn't work in the reentry field. Under this initiative, NIJ and BJA are collaborating in support of a multi-part research plan that will include evaluability assessments of Second Chance Act grantees, reentry courts, and multi-site demonstration field experiments. The President's budget proposal would continue our investments in these programs and research at the level appropriated by the Congress in FY 2010 – \$100 million.

### **Youth Violence**

One of the intractable issues facing criminal justice professionals and policymakers is the problem of youth violence, often emanating from a lack of stable and healthy models and too often finding resolution in gang involvement. The latest estimates from the National Youth Gang Survey indicate that almost 800,000 people belong to youth gangs, and their offenses range from burglary and drug sales to armed robbery, aggravated assault, and homicide.<sup>5</sup> Research sponsored by our Office of Juvenile Justice and Delinquency Prevention (OJJDP) has identified risk factors that increase the probability of gang involvement and delinquency. The “Gang and Youth Violence Prevention and Intervention Initiative” proposed in the President's budget seeks to take advantage of what we know about how to reduce the likelihood of joining gangs. The initiative will use the five strategies of OJJDP's Comprehensive Gang Model – community mobilization, social intervention, educational and vocational opportunities, suppression, and organization change – to support coordinated anti-gang strategies and to promote evidence-based services for at-risk and gang-involved youth. The President's budget proposes \$12 million for this program.

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<sup>5</sup> <http://www.ncjrs.gov/pdffiles1/ojjdp/225185.pdf>.

The President's budget also includes \$25 million for a "Community-Based Violence Prevention Initiatives" program that will build on lessons learned from evidence-based violence reduction strategies that have been implemented in several cities, including public health approaches focused on proactive interventions to prevent retaliatory violence. This program will provide grants to community-based organizations to address violence through street-level outreach, conflict mediation, and the changing of community norms, among other approaches.

### **Problem-Solving Courts**

Many young and adult offenders have been steered away from further offending by programs that use the coercive and monitoring power of the court in more creative capacities. Traditional court practices, which focus on imminent actions and legal precedent, are not particularly effective in addressing the underlying social and psychological issues that propel these individuals into involvement with the justice system. Problem-solving forums such as drug and mental health courts that rely on collaboration with social service, public health, and other criminal justice agencies have been shown to be effective in addressing these underlying problems and in reducing recidivism. We are proposing \$57 million to help state, local, and tribal governments develop and expand these problem-solving approaches. This program will consolidate separate funding streams for drug courts and mental health problem-solving courts to

allow for greater flexibility in funding innovative projects and supporting evidence-based strategies.

I have personally visited more than 12 drug courts around the country – including a number of drug court graduations – and I can attest to the power of problem-solving courts in changing offender behavior. Rigorous research backs these experiential observations, and this consolidation would demonstrate our strong support for these programs.

### **Community Innovation**

Encouraging innovation is one of OJP's many responsibilities. The Weed and Seed strategy employed in many neighborhoods across the country has been an important element in encouraging innovative, place-based community responses to crime. Building on the success of Weed and Seed, our Community Capacity Development Office would oversee a new "Byrne Criminal Justice Innovation Program." This competitive \$40 million program would model evidence-based, collaborative strategies for improving public safety, in partnership with stakeholders at the federal, state, local, and tribal levels. The program would support evidence-based approaches proven to work in the field and would place a renewed emphasis on place-based approaches that allow for the strategic targeting of resources to ensure significant impact. Increased program flexibility will support expanded collaboration with federal, state, local, and tribal partners and allow for the development of strategies tailored to local conditions. Consistent with the White

House's leadership on innovative, inter-agency approaches to place-based policies, we are currently exploring potential opportunities to partner with the Department of Education's Promise Neighborhoods program, as well as the Department of Housing and Urban Development's Choice Neighborhoods program.

### **Tribal Support**

Among the communities most in need of support are our nation's tribes and Alaska Native villages. Crime rates in many tribal communities are well above the national average, and resources often are scarce or nonexistent. The Attorney General has testified that the Department of Justice has both "a legal duty and a moral obligation to address violent crime in Indian country and to assist tribes in their efforts to provide for safe tribal communities."<sup>6</sup> OJP is committed to fulfilling our responsibilities to tribes. Last year, we awarded \$235 million for the construction and renovation of tribal correctional facilities and to improve tribal juvenile justice systems. We are continuing our support through a series of listening sessions and tribal consultations, which have allowed us to hear directly from tribal leaders and representatives about the challenges they face. We recently announced a flexible solicitation that will streamline the grant application process for tribes, making it easier for them to apply for funding that meets their needs. The President's budget request reflects our commitment in monetary terms, calling for a 7 percent set-aside, totaling \$139.5 million, in the OJP budget.

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<sup>6</sup> Statement of Eric H. Holder, Jr. before the Committee on the Judiciary, United States Senate, "Oversight of the Department of Justice," November 18, 2009.

## **Transparency**

As we work to support our state, local, and tribal partners, I am very mindful of our responsibilities as stewards of federal funds. I take this responsibility seriously. My first duty in this regard is to make sure the process for soliciting and awarding grants is open and fair. As we know from recent past experience in OJP, a lack of transparency can cloud perceptions of fairness and call into question our fitness as public servants. One of my highest priorities in returning to OJP has been to ensure we are moving vigorously to restore the integrity of our review and awards process. In accordance with the Federal Grant and Cooperative Agreement Act, we are competing discretionary grant opportunities to the maximum extent possible. That emphasis on competition is reflected in the President's budget request.

Solicitations are posted on our Web site and on Grants.gov and remain open for a minimum of 45 days, providing clear descriptions of purpose, eligibility, and evaluation criteria. Likewise, the peer review process is structured in such a way as to reduce bias and help ensure objectivity. OJP's Office of Audit Assessment and Management and Office of the Chief Financial Officer, with the assistance of working groups dedicated to ensuring transparency and efficiency, provide rigorous oversight of all grant-making activities.

For the first time, awards are posted weekly on our Web site along with the names of grant recipients. We diligently monitor grants using both risk-based and random

sample factors, and we hold grant recipients strictly accountable for their use of funds, requiring them to report based on performance measures identified for their particular programs. We also work closely with grantees to help them meet their responsibilities. Last year, we trained 2,500 grantees on the proper use and reporting of grant funds, reflecting our position that we are here first and foremost to support our partners in the field.

All this work is done by staff who are singularly dedicated to the public safety mission of OJP. Last year, OJP saw a sudden and significant increase in workload as a result of the Recovery Act. OJP made almost 3,900 grants under the Recovery Act alone. We rose to the challenge with our regular staffing resources; however, these awards will have performance periods of three or four years, and the intensive monitoring that I have described will require increases in staffing. Moreover, 1,700 awards went to recipients that had never before received funding from OJP. They will require a higher level of support than experienced grantees. The President's budget request asks for more staff positions, but it is important to note that funding for administrative functions will still represent a net cost of only seven percent of OJP's total request, an extremely small amount to support the complex administrative requirements of our programs.

### **Conclusion**

With this budget, Mr. Chairman, the Office of Justice Programs will work with Congress to ensure that public funds are used effectively and transparently to support our

state, local, and tribal partners and keep our communities safe by promoting smart-on-crime approaches. I look forward to working with you and the Members of the Subcommittee toward these goals.