



STATEMENT

OF

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BEFORE THE

**SUBCOMMITTEE ON COMMERCE, JUSTICE, SCIENCE & RELATED
AGENCIES
COMMITTEE ON APPROPRIATIONS
U.S. HOUSE OF REPRESENTATIVES**

ON

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Mr. Chairman and Members of the Subcommittee:

My name is Laurie Robinson. I served from 1993 to 2000 as Assistant Attorney General for the Office of Justice Programs (OJP) in the U.S. Department of Justice, overseeing an annual budget of more than \$4 billion. During my last year at OJP, the agency was administering some 42,000 grants. I currently direct the Master of Science Program in Criminology at the University of Pennsylvania. I appreciate the invitation to appear before you today to talk about the federal role in reducing crime – specifically, the federal role in working with states and localities towards achieving that goal.

WHY FEDERAL LEADERSHIP – AND SUPPORT – IS IMPORTANT RIGHT NOW

While crime is largely a state and local responsibility, federal leadership and federal support is necessary – especially at a time, like today, when violent crime is on the rise – to ensure citizen confidence in public safety and the fair administration of justice. No one local jurisdiction, no one state can address these problems alone.

Violent crime is now increasing in many cities across the country after a decade in which it was on the decline: The FBI tells us that crime in the U.S. increased in the first half of 2006 by 3.7% (compared with the previous year) – including a 1.4% increase in murder and 9.7% increase in robbery.¹ A report released by the Police Executive Research Forum (PERF) just this month found dramatic increases in violent crime among 56 jurisdictions surveyed – increases of 12.27% in robberies and 10.21% in homicides.²

And after years when crime was not a major national issue, it is again squarely in the center of public concern. As voters are going to the polls this May in Dallas to elect a new

¹ Preliminary Semiannual Uniform Crime Reports, Federal Bureau of Investigation. See <http://www.fbi.gov/ucr/prelim06/table3.htm>

² Chief Concerns: Violent Crime in America: Alarming Trends, Police Executive Research Forum, Washington, D.C., March, 2007, at 2.

mayor, crime is cited as the top issue facing the city in recent polls.³ And in Philadelphia, where I spend much of my time, the central issue in the upcoming mayoral race is violence on the city's streets, as we have suffered more homicides so far this year than the far bigger cities of New York, Los Angeles or Chicago.

As I talk to thoughtful leaders in law enforcement and criminal justice around the country, many are struggling. They know a great deal about how to deal with crime – that comprehensive approaches involving prevention, treatment and community engagement are critical, along with enforcement and punishment, to ensure public safety. But they are confronting problems of gangs, drugs, and violence (some of it committed by very young teenagers) that are difficult to address. They are stymied by working with fewer officers, reduced budgets, and the burden of added homeland security responsibilities. Anti-terrorism duties have, in fact, drawn attention and resources away from day-to-day crime fighting, while none of those longtime problems have gone away.

Indeed, some of the high profile “glamour” of the terrorism focus frustrates local cops. I asked a former student of mine, who is high up in the ranks of the Philadelphia Police Department, whether his colleagues had used DHS funding to conduct training on suicide bombers. He looked at me somewhat scornfully and said, “Laurie, we’ll get around to that *if we ever have a suicide bombing in Philadelphia*. Right now, we’re busy trying to keep up with all the shootings we see out here every day.”

The fact is – as the National Criminal Justice Association has aptly put it – that federal funding for homeland security and for state and local criminal justice should not be an

³ “Poll: Crime tops election issues,” The Dallas Morning News, Mon., March 12, 2007.

“either/or” proposition.⁴ Safe streets, safe neighborhoods and safe cities are the predicate for a secure homeland, in both a conceptual and a practical sense. One can’t neglect the former and expect the latter to exist. And – at the end of the day – we need to recognize that both rely on the same public safety infrastructure.

REFLECTING ON HISTORY

It is helpful to reflect on the history of the federal criminal justice assistance program when thinking about the appropriate federal role in reducing crime. Criminal justice in the United States has historically been, and still remains today, largely a state and local enterprise. According to the Bureau of Justice Statistics, of all the adults who went through the justice system in 2002, for example, 94% were convicted in *state* court – not the federal system. It is also helpful to keep in mind how decentralized we are in comparison to almost every other country in the world. With 18,000 separate law enforcement agencies in the U.S., something as simple as training police in a new procedure becomes much more complicated than it would be, for example, in the United Kingdom, where an order could simply be issued from the Home Office and sent to the mere 45 police agencies throughout Great Britain.

The federal role in addressing crime was first defined in a document that is still very timely today – 40 years later – “The Challenge of Crime in a Free Society,” the report of the President’s Crime Commission appointed by Lyndon Baines Johnson in the 1960s. Chaired by former Attorney General Nicholas Katzenbach, the Commission has had a profound influence on criminal justice in this country. It called for a federal role in research, in fostering innovation in criminal justice, in gathering statistics, and in improving criminal

⁴ “The Role of the Federal Government in Law Enforcement and the Administration of Justice,” March 2005, See <http://www.ncja.org/Content/NavigationMenu/GovernmentAffairs/FederalGovernmentandJusticeAdministrationWhitePaper/default.htm>

justice. It also called for establishment of a small federal office to fund state and local innovations in criminal justice – the seed that led in later years to the creation of the Law Enforcement Assistance Administration (LEAA) and to the Office of Justice Programs in the U.S. Department of Justice. Many of the core federal functions that I describe in this statement had their origins in the Katzenbach Commission’s report.

These recommendations did not reflect partisan politics. They were re-affirmed in the Reagan Administration’s report of the Attorney General’s Task Force on Violent Crime (1981), which stressed the unique role of the federal government in demonstrating and promoting what works in crime prevention.⁵

WHAT ARE THE KEY FEDERAL ROLES IN REDUCING CRIME?

- **Developing knowledge is a central federal role in public safety**

Just as a better understanding of heart disease through research and experimental trials has led to finding ways to prevent and treat this ailment, the same has been true for crime over the past four decades. We now know a great deal more about how to deal with crime than we did in the 1960s. Two key differences between medicine and crime, however, are that, first, there are no business investments (e.g., pharmaceutical companies) funding research relating to public safety and, second, that the federal dollars devoted to crime research are in the low millions – not in the billions (as at NIH).

But the federal government, in fact, has a crucial role to play in supporting social science research and evaluation to learn “what works” in addressing crime.

⁵ Attorney General’s Task Force on Violent Crime, Final Report, U.S. Department of Justice, Washington, D.C. (1981).

Aside from an occasional private foundation, no one else supports this work. Nor is it realistic to think local jurisdictions can afford to do this by themselves.

Why is that knowledge so important? The answer is that, particularly at a time of tight budgets, we need to be investing in evidence-based approaches that can actually help reduce crime and we need to stop funding programs that don't work, even when they have great popular appeal.

Research also leads to the next breakthroughs – such as data-mining that is identifying the most likely murderers in the phalanx of 52,000 probationers in Philadelphia. Or like the survey that tells us how law enforcement is really using closed circuit television in different cities. Or the randomized controlled experiment that demonstrates whether an in-prison treatment for pedophiles can be effective in reducing future offending.

Research and development for new technologies to serve and support criminal justice agencies has also been an important role of LEAA and OJP. The Science & Technology Office within the National Institute of Justice has made enormous contributions to the field – including its network of National Law Enforcement & Corrections Technology Centers that conducts demonstration projects and provides invaluable assistance to law enforcement to help it assimilate new technologies. The National Law Enforcement Technology Commercialization Center in West Virginia – of which the Chairman has been a strong supporter – is a good example of these. But even more could be done – for instance, (1) to take more advantage of the extensive research that has been undertaken at the Defense Department through DARPA (the Defense Advanced Research Projects Agency) to determine those applications that

could be useful in the criminal justice system; and (2) to develop a closer relationship with the Science & Technology Directorate at DHS to engage in shared R&D.

- **The federal government should collect and disseminate independent and credible national statistics on crime**

It is clear that no one state will sponsor a national statistics agency. This is a distinctly federal role. No one else can even count crime trends in America in a reliable and consistent fashion. The highly respected National Crime Victimization Survey (NCVS) reported by BJS since 1973 has provided what the FBI's Uniform Crime Reports has never attempted to produce: a count of crime that includes serious offenses, like rape, that may never be reported to police. This past year, however, BJS was apparently threatened by budget shortages for its crime victims' survey. While I understand this year's survey is going forward, the threat to a three-decade data series is a reflection of the limited funding that has been made available for this central federal function.

Too often, BJS – despite its irreplaceable role – has been the “poor stepsister” of the OJP agencies. In fact, I encourage the Subcommittee – at a time of rising crime – to charge BJS with a *broadened role* in helping in our understanding of victimization. BJS should be provided with increased funding to enable it to measure crime on a *state-by-state basis*, and even to the level of large cities. At present, the survey cannot provide this level of information.

In fact, one can envision (if even more funds were available) a host of key statistics one would like collected which are not – e.g., data to compare recidivism among and between states. This would be invaluable to state policymakers.

A final word on statistics: During my confirmation hearing before the Senate in 1994, then-Senator Alan Simpson (R-Wyo.) secured a commitment from me that I would not interfere with reports issued by BJS. He was correct in doing this. The integrity of crime statistics is crucial to ensuring their credibility. No one questions Bureau of Labor Statistics reports because no one would dare to “mess” with its products. Yet a political appointee of the current Administration did try to rewrite the press release describing the findings of a BJS report several years ago. After BJS’s Director objected to this political interference, he was fired by the White House.

For that reason, I urge this Subcommittee to consider including language in the Appropriations bill giving BJS explicit authority to issue its statistical reports independent of any outside clearance.

- **Federal dollars should support the innovation that localities cannot fund on their own**

Supporting pilot projects through discretionary grants has been a central feature of the federal criminal justice assistance program from its earliest years – as the 1967 President’s Crime Commission recommended. This key role should continue. Such funding allows jurisdictions to implement programs that have been proven effective or to undertake experimentation. Local jurisdictions can rarely free up money to undertake these kinds of initiatives. Once established and shown to be successful in local settings, however, city councils or other budgetary officials will buy into their continuation. Drug courts are a good example of this phenomenon.

Illustrations of LEAA/OJP-supported innovations include:

- Problem-solving courts (drug courts, mental health courts, domestic violence courts, etc.)
- Victim/witness programs

- Career criminal prosecution units
 - Bulletproof vests
 - Problem-oriented and hot spots policing
 - Forensic applications of DNA technology
 - Drug testing programs
 - Less-than-lethal weapons
- **There is no more central federal role than diffusion of knowledge**

As I stated before, we already know a great deal about what can be done to prevent and control crime. For example, we know that, correctly used, drug treatment in the criminal justice system can play a powerful role in helping change offender behavior and reduce post-incarceration recidivism.⁶ We also understand that, beyond a certain level, increasing rates of incarceration (while adding a staggering burden to state budgets) may not be as effective in reducing crime as other strategies (such as increases in numbers of police and reductions in unemployment).⁷

But we have done a poor job – especially at the federal level – in getting information out. While I take credit for many things accomplished in the seven years I headed OJP, this is an area where I did not do enough to advance the ball.

A strong recommendation I therefore make to the Subcommittee is to mandate that OJP fund a “What Works Clearinghouse” that summarizes – in brief, layperson’s language – what is known from research about evidence-based approaches to preventing and controlling crime. Although it’s hard to believe, no such resource now exists. A clearinghouse of this kind should provide information written in succinct, non-scientific language that is easily accessible to criminal and juvenile justice

⁶ See http://www.nida.nih.gov/PODAT_CJ/faqs/faqs1.html#3 and <http://www.evidencebasedprograms.org/Default.aspx?tabid=150>, for example.

⁷ See, for example, Reconsidering Incarceration: New Directions for Reducing Crime by Don Stemen, Director of Research, Center on Sentencing and Corrections, Vera Institute of Justice, January 2007.

practitioners. Information for busy legislators and policymakers could be distilled into one-page summaries – something their staffs will do for them in any event.

This is an ideal role for the OJP agencies to undertake – in fact, it’s hard to think of a more central federal role than this one. Three important resources here are:

- Evidence-Based Crime Prevention, edited by Lawrence W. Sherman, David Farrington, Brandon Welsh, and Doris MacKenzie (Routledge, 2002). This is an update of a Congressionally-mandated report which OJP commissioned and published in 1997 entitled, “Crime Prevention: What Works, What Doesn’t, What’s Promising.”
 - The Coalition for Evidence-Based Policy, a project of the Council for Excellence in Government in Washington, D.C.⁸
 - The Campbell Collaboration – an international non-profit organization that prepares systematic reviews of effects of interventions, among others, in the area of crime and justice.⁹
- **Technical assistance and training are two of the most effective federal public safety investments**

During the years I spent at the Department of Justice I don’t think I saw a better expenditure of federal dollars (other than in the research area) than those spent on technical assistance. Helping practitioners do their jobs better – on the front lines – is the ultimate way that the federal government can assist in conveying evidence-based best practices. It’s one of the most cost efficient ways federal money is spent. And it’s not about spreading the wisdom of high-priced Washington consultants; the best T.A. I saw provided was “peer-to-peer”: Having drug court judges from Portland, for example, host teams from other jurisdictions. Judges trust what other judges tell them.

⁸ See <http://coex.gov.securesites.net/index.php?keyword=a432fbc34d71c7> and <http://www.evidencebasedprograms.org/>

⁹ See <http://www.campbellcollaboration.org/index.asp> and <http://www.campbellcollaboration.org/CCJG/index.asp>

So we'd provide training for courts to serve as "mentors" and fund travel so others could visit.

Another good example of successfully integrated technical assistance and training are the Regional Community Policing Institutes (RCPIs). I've been a fan of these since their creation by the COPS Office in the late 1990s. They provide high quality but low cost (or free) training for law enforcement agencies on topics ranging from community policing and gangs to school safety and meth labs. The RCPIs have provided a *national* presence with access to *local* practitioners, but they are about to be a victim of the dramatic cuts at COPS – a perfect example of a wonderful (but low profile) investment of federal money that has built infrastructure and credibility in the field, but now may be dismantled.

Yet another illustration of the federal government's central role has been in encouraging better information sharing. The Justice Information Sharing Initiative enables agencies to get the information they need to be effective within and across jurisdictions.

One of the key things that handcuff the ability of law enforcement agencies to do their job is their inability to share critical information. The fragmented nature of our law enforcement system has created numerous stovepiped information systems that can't talk to each other. The Global Justice Information Sharing Initiative (Global) supported by the Bureau of Justice Assistance has made significant strides in addressing this problem. For example the "Global" Infrastructure and Standards Working Group developed the Global Justice XML Data Model standard that, when deployed, lays the foundation for different information systems to communicate with

one another. The work is considered so valuable that the Department of Homeland Security also adopted the standard. While important, it is only a first step. There is still much to do to enable seamless information sharing among agencies. Yet BJA does not have the resources to assist law enforcement in implementing best practices to finish this job.

- **Larger grant programs – like JAG/Byrne and COPS – play a vital role**

None of the core federal criminal justice assistance functions are expensive. Research, statistics, information sharing, technical assistance and training, pilot programs – these are minimal investments in the scheme of federal budgets. While each could surely use more money, none requires substantial appropriations. The same, of course, is not true of the large block grant programs which have been a mainstay of the LEAA/OJP program since the passage of the 1968 Safe Streets Act.

Each of the block grant programs, as well as large discretionary grant programs like COPS, have great followings, and have done much good. Whatever one's beliefs about subsidies for police salaries, few would dispute that the COPS Office has helped dramatically to spread the concept of community policing and has reinvented the way a federal grant agency can relate to its constituents. In general, however, it is impossible to measure in any scientific way the impact of large programs like the Byrne Justice Assistance Grant (JAG) program, for which spending is invested in an almost limitless number of locally chosen programs.

Despite that, however, I come down in strong support of continued federal funding of the block grant programs. State and local criminal justice right now is in a

two-fold crisis, as I noted earlier – dealing with rising crime, on the one hand, and juggling additional responsibilities in the post-9/11 world, on the other.

I would offer these suggestions, however, as the Subcommittee deals with block grant programs:

- Strongly encourage block grant program grantees to consider funding programs of proven effectiveness. Creation of a “What Works” clearinghouse would allow state and local practitioners and policymakers to find that information much more easily.
- Consider placing a four-year limit on federal funding for projects, in light of the fact that federal money should primarily be used for innovation, rather than ongoing support.
- Emphasize the strengths of programs – e.g., in COPS, to support community policing initiatives for crime prevention and crime fighting, not just putting officers on the streets (so to allow flexibility to support gang task forces, anti-meth lab activities, and other specific initiatives to target problem areas).
- Ensure and require coordination between DOJ’s efforts and those in DHS. I hear from state and local practitioners examples of *their* need to coordinate “on the ground” when the Departments of Justice and Homeland Security have not adequately collaborated from inside the Beltway. That kind of collaboration is tough in Washington. But it needs to be done better.

TWO FINAL POINTS

OJP’s current structure undercuts the program’s ability to be effective.

While positive steps have been taken in recent years to address this, the present organization of the Justice Department’s grant agency makes it extremely difficult to plan and execute an effective, rational, and responsive program. The structure is contrary to principles of sound management. While I certainly cannot speak for my successors as Assistant Attorney General, I would be surprised if they disagree. OJP’s unwieldy structure of having multiple Presidential appointees in a small agency results in a setting where, too often, bickering egos and fiefdoms have been the watchword. It can make an academic faculty look peaceful by comparison!

The challenges of working with state and local partners to address crime, drugs and gangs should absorb OJP's energy – not dealing with sibling rivalries among the bureaus. At some point the question of OJP's structure should be re-addressed.

Reducing homicide by focusing on probation and parole populations

I want to end with a positive suggestion regarding an area where federal investment of dollars could make a substantial difference. For reasons that are hard to discern, federal grant programs over the years have largely ignored probation and parole populations. There are 6 million convicted offenders on probation or parole in the nation, compared to only 2.2 million offenders or defendants behind bars. Offenders in the community clearly present the greatest risk to public safety, yet they receive little attention from the criminal justice system or from public budget allocations.

My Penn colleague Lawrence W. Sherman (Director of the Jerry Lee Center of Criminology) has pointed out that the majority of the 406 murders in Philadelphia last year were committed by – or against – individuals on probation, parole or pretrial release. He estimates that persons under the supervision of Philadelphia's Adult Probation and Parole Department (APPD) committed 22% of all homicides in the city in 2006 and made up 16% of murder victims. "This would mean that almost 4 out of ten murders involved an APPD case as victim or offender," Sherman notes.¹⁰

Using statistical data-mining techniques pioneered by another Penn colleague, Dr. Richard Berk, we are now working with Philadelphia's probation department to identify the handful of offenders most likely to kill or be killed. But with caseloads of 185 probationers per probation officer, such offenders usually receive minimal oversight. A small

¹⁰ Lawrence W. Sherman, "Reducing Homicide by Enhancing High-Risk Probation and Parole: A Peer-Reviewed Grants Program," Testimony before the House Judiciary Subcommittee on Crime, Terrorism and Homeland Security, February 15, 2007.

demonstration project with just five officers whose caseloads do not exceed 15 offenders is now testing a new way to prevent homicide. On a national scale, this approach could test a wide variety of murder prevention strategies – including clinical treatment for Post Traumatic Stress Disorder, drug abuse and mental illness– to prevent violence.

If this kind of approach could be undertaken in carefully designed randomized controlled experiments under a federal grant program – using partnerships between local probation agencies and universities – there is real promise, using scientific knowledge, of reducing homicide in many violence-ridden communities around the country.

CONCLUSION

Because of my longstanding involvement in the program, I have twice convened reunions of leaders of the LEAA/OJP agency – in 1996, as Assistant Attorney General, and again in 2006, as a private citizen. In both instances, I was struck by the support – across every era and from individuals of both political parties – for the federal criminal justice assistance program. The program has benefited over the years from that passion, which has translated, I believe, into strong leadership over four decades. For those of us who have had the chance to serve in that position, it has been an honor and a privilege to do so for a program in which we believe so strongly.

For that reason, Mr. Chairman, I appreciate very much the opportunity to appear before the Subcommittee. And I would be happy to answer any questions you or the Subcommittee Members may have.