

**The Honorable Gerald "Gerry" Hyland
Supervisor, Fairfax County, VA
Board Member, National Association of Counties**

Chairman Wolf, Ranking Member Fattah and Members of the Subcommittee,

Thank you for the opportunity to testify today to discuss fiscal year 2013 appropriations for the Department of Justice (DOJ). On behalf of the National Association of Counties (NACo), We respectfully ask that Congress support the President's FY 2013 Budget Request for the DOJ *Bureau of Justice Assistance (BJA) Byrne Memorial Justice Assistance Grants (Byrne/JAG) program (\$430 million), Byrne Criminal Justice Innovation program (\$20 million), State and Local Gun Crime and Gang Violence Reduction program (\$5 million), Byrne Competitive Grants program (\$25 million), Second Chance Act program (\$80 million), Residential Substance Abuse Treatment program (\$21 million), Bulletproof Vest Partnership program (\$24 million), National Public Sex Offender Registry (\$1 million), Prison Rape Prevention and Prosecution program (\$13 million), Adam Walsh Act Implementation (\$20 million), Victims of Trafficking program (\$10.5 million) and Community Oriented Policing Strategies (COPS) Hiring program (\$257 million)*. Furthermore, we ask that you reject the Administration's \$73 million funding request for funding the *State Criminal Alien Assistance Program (SCAAP)*, and any proposed consolidation of the *Mentally Ill Offender Treatment and Crime Reduction Act (MIOTCRA) Program* and *Drug Court Discretionary Grant Program* into a new *Drug, Mental Health, Problem Solving Courts and Strategies Initiative*. Rather, DOJ's *MIOTCRA* and *Drug Courts programs* should again be funded separately. These recommendation are shared in communities throughout the country, and NACo's membership of elected and appointed county officials in our nation's 3068 counties.

We thank the Subcommittee for its leadership in addressing the public safety concerns of the residents in our communities, and we particularly commend Chairman Wolf and Ranking Member Fattah for your leadership in helping our nation create a smarter, more effective criminal and juvenile justice system. Your efforts have helped to bring about a spirit of bipartisanship on many critical public safety, domestic violence and juvenile justice issues affecting counties across the nation.

Counties appreciate how difficult it will be for you to prioritize the many important programs under your jurisdiction in the FY 2013 funding cycle, as you continue to debate the options for addressing our fiscal challenges. At NACo, we have expressed support for a balanced approach to tackling the United States' debt problems. We, too, face challenges in allocating diminished resources. Reductions in federal assistance, combined with decreased state funding and lower local revenue, are forcing counties to reduce staff and services, threatening many vital county programs.

Therefore, the FY 2013 appropriation for the Department of Justice (DOJ) is critical, not only to Fairfax County, but to county governments nationwide. These funds help sustain a number of high-priority programs, including those that fight violent crime, criminal gang activity and illegal drugs, along with related criminal justice reform initiatives. Such programs support a wide variety of personnel, and provide technical assistance and guidance on best practices to programs

important to local courts, corrections, law enforcement, juvenile justice, and other assorted agencies that enforce the law. This is essential as we seek to safely lower jail populations, decrease recidivism rates, combat drug trafficking, reduce criminal justice spending and improve public safety, while providing prevention, treatment and alternatives to incarceration where possible. Again, these programs are critical and collectively enforce the law, work to safely lower jail populations, fight recidivism, combat drug trafficking, reduce criminal justice spending, decrease crime and improve public safety through alternatives to incarceration, prevention and treatment.

For example:

- *Byrne JAG* supports a broad range of projects designed to prevent and control crime and to improve the criminal justice system in our communities. Coupled with state and local resources, *Byrne JAG* supports innovative and evidence-based initiatives, technical assistance, training, personnel, equipment, and information systems for criminal justice, as well as research and evaluation activities that will improve or enhance law enforcement programs related to criminal justice. Some examples include prosecution and court programs, prevention and education programs, corrections and community corrections programs, drug treatment and enforcement programs, planning and evaluation, technology improvement programs, and crime victim and witness programs.
- *State Criminal Alien Assistance Program (SCAAP)* provides much needed partial reimbursement assistance to states and localities for the costs associated with the detention and incarceration of undocumented criminal aliens accused or convicted of state and local offenses who have been incarcerated for a minimum of 72 hours. Although it is the federal government's responsibility to protect and secure our nation's borders, counties incur millions of dollars in un-reimbursed expenses each year as a result of housing undocumented immigrants that violate state or local laws. Additionally, it should be noted that counties are responsible for processing and prosecuting illegal aliens, and, in many cases, must provide medical care and other services to these individuals. Many counties bear a disproportionate share of the criminal justice-related costs associated with illegal immigration, and \$73 million for the *SCAAP* program is inadequate, as *SCAAP*-related costs to local jurisdictions continue to rise.
- *COPS Hiring Grants* have been instrumental in enhancing the effectiveness of community policing in the United States, and have been an important factor in the declining crime rate in our communities. To date, the *COPS* Program has been instrumental in the hiring of nearly 117,000 officers throughout the United States, who have partnered with countless local stakeholders to keep our communities safe. Without the *COPS* program, many of our communities and local law enforcement agencies would be at risk. Furthermore, *COPS* is particularly vital because of the serious financial constraints of our nation's law enforcement agencies. In recent years, law enforcement agencies have watched their budgets sizably diminish, resulting in agencies making extremely difficult sacrifices. For example, many law enforcement agencies have been increasing the size of an officer's patrol area, while decreasing the number of officers on a shift, due to lack of available personnel. Additionally, many law enforcement agencies

have had to scale back or close key crime-fighting, crime-reducing, and crime-prevention programs because of a lack of funding and the need to prioritize the allocation of personnel. These setbacks not only pose a serious risk to officers who now may patrol a high-crime area alone or wait longer for back-up, but also hamper law enforcement's ability to effectively and efficiently fight and prevent crime in their communities.

- The *Mentally Ill Offender Treatment and Crime Reduction Act (MIOTCRA)* program provides assistance to states and communities to create new programs or expand existing programs that can both reduce costs and help mentally ill offenders return to productive lives. State and local governments can use these grants for a broad range of activities, including establishing jail diversion programs, mental health courts, creating or expanding community-based treatment programs, providing in-jail treatment and transitional services. In addition, grant funds may be used to enhance training for criminal justice system and mental health system personnel who must know how to respond appropriately to this population. The nation's local jails are increasingly becoming a repository for the mentally ill. Of the 13.5 million people entering county jails each year, it is estimated that 24 percent are displaying a pattern of symptoms indicative of psychotic behavior. Therefore, implementing a wide range of community-based services is infinitely preferable to jail, in terms of addressing the multiple issues facing this population. In 2008, Congress reauthorized the *MIOTCRA* program for an additional five years at \$50 million annually; however, the program has never been fully funded. Adding to the uncertainty about *MIOTCRA* program grant funding, the Administration has proposed to consolidate the *MIOTCRA* program into the Department of Justice's Drug, Mental Health, and Problem Solving Court Initiative, providing \$52 million collectively for this initiative. While this initiative has merit, this proposed change does not include many of the key elements of *MIOTCRA*, and many of the law enforcement initiatives funded under the program would be lost.
- *The Second Chance Act* represents an important federal investment in strategies to increase public safety and reduce recidivism. This legislation passed with bipartisan support in 2008, and authorizes funding for the development and coordination of reentry services, such as employment training, substance abuse treatment, and mentoring. Evidence-based reentry programs, like those supported by the Second Chance Act, facilitate the often difficult transition from prison to the community, and not only reduce crime, but save taxpayer dollars. According to the U. S. Bureau of Justice Statistics, there are approximately 13.5 million admissions to county jails each year. Of that number, approximately 740,000 individuals are committed to state prison. Furthermore, counties spend more than \$70 billion each year on criminal justice and billions more on health and human services. Therefore, the Second Chance Act ensures that the tax dollars spent on corrections do not simply fuel a revolving door for our prisons and jails.

Furthermore, I would like to highlight another critical area and ask that the committee include adequate funding for critical juvenile justice and delinquency prevention programs in the FY 2013 Commerce, Justice, Science (CJS) Appropriations Bill. We respectfully request the following:

- A \$37 million increase for the *Juvenile Justice and Delinquency Prevention Act (JJDP)* Title II State Formula Grants Program;
- A \$45 million increase for the *JJDP* Title V Delinquency Prevention Program, without earmarks or set-asides;
- Level funding for the *Juvenile Accountability Block Grant (JABG)* program at \$30 million.

Since 1974, *JJDP* has provided critical federal funding to states to comply with a set of core protections that shield youth from the dangers of adult jails, keep status offenders out of locked custody, and address the disproportionate treatment of minorities in the justice system. Title II of the law establishes State Formula Funds to support state compliance with these core protections, helping to ensure that states have the resources to build effective state systems that reduce recidivism and promote public safety. *JABG* is used in the states to reduce juvenile offending by providing judges and other juvenile justice officials a range of age- and developmentally appropriate options that hold youth accountable while giving them the assistance they need to turn their lives around so they are less likely to reoffend.

Title II Grants and *JABG* are critical to Fairfax County, and many counties nationwide. In Fairfax County, funding has decreased significantly since 2002 – from \$140,000 annually to only \$70,000 in 2012. During the launch of *JABG*, Fairfax County established an intensive supervision program for high risk youth, which included evening supervision in the community. The program was highly effective, but when *JABG* funding and the county budget were reduced, the program was closed. Fairfax County shifted the small investment from programming and staff to training for probation staff, due to the limited funds and gaps in the county budget. Additionally, the county has used *JABG* for Training on Evidence-Based Strategies and Systems Reforms, Programming for Court Involved Girls, and Treatment and Trauma Training.

Title II is also critical to Fairfax County, and for decades the county has launched new programs, including detention alternatives such as Outreach Programs and Evening Reporting Centers. These programs were hugely successful and created demand among other probation centers. This funding allowed the county to identify gaps in our continuum of services, implement innovative, research-based programming, evaluate the impact and take it to scale across the county.

The funding sources I have highlighted today support a wide variety of personnel, programs, best practices and technical assistance critical to local courts, corrections and law enforcement. As we work together at all levels of government to improve public safety, these federal funds are essential to our efforts to safely lower jail populations, fight recidivism and combat drug trafficking, while providing prevention, treatment and alternatives to incarceration.

Unfortunately, overall appropriations for these federal juvenile justice programs have declined by more than 50 percent, to their lowest levels in more than 10 years.

In closing, Mr. Chairman, counties understand the severity of the federal budget challenges you face, and recognize that challenging economic times dictate that we spend scarce resources wisely. However, we strongly believe that too much emphasis has been placed on reductions to domestic discretionary spending programs that protect the American people. Further reductions in the programs discussed today, coupled with less state funding and reduced local revenue for local courts, corrections, law enforcement, juvenile justice, and other assorted agencies, limits our ability to fight crime, manage better outcomes for youth, efficiently administer our diverse criminal justice systems and achieve the highest level of public safety.

Thank you for your time today.

About NACo – The Voice of America’s Counties

The National Association of Counties (NACo) is the only national organization that represents county governments in the United States. Founded in 1935, celebrating its 75th Anniversary in 2010, NACo provides essential services to the nation’s 3,068 counties. NACo advances issues with a unified voice before the federal government, improves the public's understanding of county government, assists counties in finding and sharing innovative solutions through education and research, and provides value-added services to save counties and taxpayers money. For more information about NACo, visit www.naco.org.