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UNITED STATES DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS

HEARING

BEFORE THE

SUBCOMMITTEE ON CRIME, TERRORISM, AND HOMELAND SECURITY

OF THE

COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES

ONE HUNDRED TWELFTH CONGRESS

FIRST SESSION

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UNITED STATES DEPARTMENT OF JUSTICE OFFICE OF JUSTICE PROGRAMS

WEDNESDAY, NOVEMBER 2, 2011

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CRIME, TERRORISM,
AND HOMELAND SECURITY,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The Subcommittee met, pursuant to call, at 10:05 a.m., in room 2141, Rayburn House Office Building, the Honorable Louie Gohmert (Vice-Chairman of the Subcommittee) presiding.

Present: Representatives Sensenbrenner, Gohmert, Goodlatte, Chaffetz, Gowdy, Amodei, Scott, Conyers, Cohen, Pierluisi, Chu, and Quigley.

Staff Present: (Majority) Caroline Lynch, Subcommittee Chief Counsel; Harold Damelin, Counsel; Allison Rose, Professional Staff Member; Sarah Allen, Counsel; Arthur Radford Baker, Counsel; Lindsay Hamilton, Clerk; (Minority) Aaron Hiller, Counsel; and Veronica Eligan, Professional Staff Member.

Mr. GOHMERT. The Committee will come to order. Welcome to oversight hearing on the United States Department of Justice Office of Justice Programs. I would especially like to welcome our witness. Thank you for being here, Ms. Robinson, and for everyone else that joined us here today.

I am also joined today by distinguished Ranking Member of the Subcommittee Bobby Scott and by the most recent Chairman emeritus John Conyers from Michigan.

At this time we will begin the hearing. This is an oversight hearing of Office of Justice Programs at the U.S. Department of Justice, which obviously you have most recently headed since January 2009. I know this is not the first time that you were there as head of OJP when you previously served in that role during the Clinton administration from 1993 to 2000. With almost a decade of experience as the head of OJP, you are surely equipped to engage in discussion on the various OJP programs.

Since it was established in 1984, OJP has been the Department's primary grant for awarding agency through six separate program offices and bureaus. OJP provides grants intended to improve the company's capacity to prevent and control crime, improve the criminal and juvenile systems, increase knowledge about crime and related issues, and assist crime victims.

From October 2008 through September 2011, OJP made over 17,000 grant awards totaling $9.8 billion in the criminal justice

field, including Federal, State, local and tribal law enforcement agencies and private community organizations. OJP currently manages over 50 different grant programs. While a number of these programs serve a useful purpose within the entire criminal justice context, in these very difficult economic times where the Federal Government must drastically reduce its spending we simply cannot continue to allocate resources without verifying that they are being used as effectively as possible and that it is for a legitimate Federal role.

To that end we need to ensure that the programs we are funding are accomplishing their intended purpose, that the programs are still necessary and not outdated, and we are not funding multiple programs with the same intended purpose, that there is adequate communication between various grant making offices so we are effectively leveraging our resources, that grant recipients are not using funds in a wasteful or fraudulent manner, that OJP is capable of and is in fact engaging in effective, aggressive grant oversight, and that the roles are our constitutional responsibility of Congress.

It is in this context that we examine OJP's performance. Both the Justice Department's Inspector General and the GAO have identified what I consider to be a number of significant problems with respect to OJP. For example, in October 2010 GAO found the performance measures being used by OJP to assess whether the goals of the Byrne JAG program were being met and were not appropriate and needed to be revised. GAO also found that OJP did not have a process in place to validate the integrity of the Byrne JAG recipients' self purported performance data.

Given this Byrne JAG program is one of the largest grant programs at DOJ, this is a serious problem that must be addressed. It is essential that we are able to determine the effectiveness of OJP's grant programs in deciding whether to continue funding them.

I hope you will explain why it took GAO to point out that these serious program deficiencies exist at OJP.

I am concerned by the IG's findings regarding OJP's oversight of the Southwest Border Prosecution Initiative. Since 2002 it has been OJP's responsibility to oversee this reimbursement program. In a 2008 report the IG was very critical of OJP oversight efforts. OJP promised to implement the changes recommended by the IG, but when the IG came back 2 years later, 2010, to review how OJP was doing, they continued to find major weaknesses in the management and oversight of the program.

Specifically the IG noted that there were red flags that were missed by OJP. The IG found that $12.3 million, or 85 percent, of the reimbursements allowed by OJP were unallowable or unsupportable. An 85 percent error rate is simply not acceptable when handling taxpayer money. We look forward to hearing your explanation on why OJP could not properly manage this program and what is being done to correct the problem.

Additionally, GAO and IG reports have highlighted a serious lack of coordination between DOJ and other agencies, including the Department of the Interior, regarding how Federal money should be spent. These reports also show serious violations of grant require-

ments by the recipients, ranging from very significant amounts of unsupported or unallowable expenditures, failure to monitor subgrantees, the sloppy or nonexistent recordkeeping, and failure to file required reports adequately in a timely manner. In some cases grantees were found to have misused millions of dollars.

These stories, while never acceptable, are even less so in today's climate. OJP is currently responsible for over 14,000 active grants and these IG reports all issued fairly recently cause me to wonder what grant monitoring procedures OJP has in place that allowed these type of abuses to occur.

As we move forward, these problems need to be addressed and corrected during the life of the grant, not after the grant funds have been expended and the IG comes in to do an audit. In this regard there are serious concerns about OJP's high risk grantee list. While this list in place since only 2009 is presumably intended to help monitor grantees who may be misusing Federal funds, it appears that in reality the list does very little. Even if an OJP grantee finds its way onto this list they are still permitted to receive additional grants while on the list and can have funds from any current grants disbursed as well.

In addition, OJP has never referred any high risk grantee for suspension or disbarment. This strikes me as a sign of very weak grant oversight at best.

The acting IG testified this past June before another House Subcommittee on the topic of Federal grant program oversight. In the course of her testimony she noted that their audit work has continued to identify areas where the Department could further improve its management of grants, particularly in terms of the Department's processes for awarding grants and its oversight of grantees.

The IG has also suggested that OJP along with the COPS office and Office of Violence Against Women needed to be more responsive in addressing outstanding audit recommendations to resolve questioned costs from audits or grantees. The IG noted that in some instances the Department takes years to implement an audit recommendation. These are also serious issues pointed out by the IG, and we would like to know what you have done to address them.

In addition to these grant management and oversight issues, we are also very concerned about the IG's findings in a recent audit of Department of Justice Conference planning and food and beverage costs. The IG examined 10 department conferences, four of which were put on by the OJP. Regarding these four conferences, the IG found that OJP spent over $530,000 for an event planner.

Five of the other six conferences examined by the IG were put on internally and did not even use an event planner. Why did OJP need to hire an event planner when that is clearly not the norm at DOJ?

Three of these OJP conferences held in Palm Springs, California, a lovely city, but nonetheless the event planner used by OJP came from Anchorage, Alaska and was awarded the contract without the benefit of an open solicitation. We would like to know what was so special about this event planner that the contractor had to be sole sourced.

The IG questioned many of the costs associated with the event planner. For example, the event planner held a conference planning meeting at the direction of OJP for 36 people in Palm Springs, California for about a year before the conference took place. This was done despite the fact that the contract documents stated that such a face-to-face meeting was not necessary in order to put on the conference. It appears to me this was a total waste of taxpayer dollars.

As we move forward we must spend our money wisely for only those OJP programs proven to be effective. Additionally, your office has an obligation to ensure that the grant recipients are complying with the conditions of the grants and spending the money they received appropriately.

I look forward to hearing your testimony today, and with that would yield to the Ranking Member, Mr. Scott.

Mr. SCOTT. Thank you, Mr. Gohmert. Good morning, I am pleased to join you this morning for this very important oversight hearing on the Office of Justice Programs and am pleased to hear from the Assistant Attorney General Laurie Robinson, who you appropriately introduced as a very well qualified and effective leader in the Department of Justice.

As you know, the Office of Justice Programs is charged with working in partnership with the justice community to identify the most pressing crime related challenges confronting the justice system and to provide information, training, coordination and innovative strategies and approaches for addressing these challenges.

The Office of Justice Programs is comprised of six different components, including the Bureau of Justice Assistance, the Bureau of Justice Statistics, the National Institute of Justice, the Office for Victims of Crimes, the Office of Juvenile Justice and Delinquency Prevention, and the Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking Office.

Because of limited time I want to focus on the area of juvenile justice and delinquency prevention, and perhaps get to other areas during the questioning. The juvenile justice system in this country needs help. In any given night in the United States almost 10,000 children are held in adult jails and prisons where they are particularly vulnerable to physical and sexual victimization because of their size and youth.

The Centers for Disease Control has added its voice to the chorus of researchers who have reported that after release children who are incarcerated in adult prisons commit more crimes and more serious crimes than children with similar histories held in juvenile facilities. And while juvenile facilities are better than adult facilities, generally there are far too many problems even in the juvenile facility. Nearly 100,000 children, some as young as 10 years old, are confined to juvenile detention in residential facilities, many of which are plagued with harsh and abusive conditions.

Just last year the Bureau of Justice Statistics pursuant to the Prison Rape Elimination Act reported that 12 percent of juveniles in publicly and privately run facilities reported incidences of sexual abuse primarily by facility staff.

The Department of Justice can make an immediate critical difference of youth custody by promulgating a final rule to enforce the

national standards to prevent, detect and respond to prison rates that would require the removal of youth under 18 from adult jails and prisons. I would like to hear what is happening to those rules and regulations.

The over representation of minority youth continues to be a challenge. Additionally, African American youth are confined in facilities at a rate over three times that over White youth. In addition, minority youth more likely to be sent to public rather than private correctional facilities and are more likely to be housed in the most secure facilities. The Federal Juvenile Justice and Delinquency Prevention Act of 1974 requires that States determine whether the proportion of minorities in confinement exceeds their proportion in the population. And if there is such over representation, States must demonstrate that they are appropriately addressing that problem. So I would like to know where we are in that regard.

Of course one huge concern is the proposals for reductions of juvenile justice funding. One of the concerns is that the core requirements of the 1974 JJDPA act may be in jeopardy if States do not receive enough funding to make it worth their while to comply with the requirements because the sanction for violation is reduced funding. If there is not enough funding they will not have the appropriate incentives to comply.

I would like to know—one kind of ongoing problem is a question of when we can expect an administrator to be named to the Office of Juvenile Justice and Delinquency Prevention. I find it troubling that 3 years into the Administration there has been no one confirmed to lead this Federal home for juvenile justice and to be speaking out on behalf of our children.

Despite the existence of evidence based and proven programs who are seeing funding for them cut in the budget situation we are facing today, clearly this is penny wise but pound foolish given that many of these programs save much more money than they cost in avoiding criminal justice and social welfare spending.

That is why I introduced the Youth PROMISE Act which I know the Attorney General is supportive of, and to provide this kind of evidence based and cost saving program and to get young people on the right track and keep them on the right track.

I am very pleased to see that there are positive steps that have been taken on behalf of our youth, particularly with the National Forum on Youth Violence Prevention and the Defending Childhood Initiative. I was also pleased to articipate in the OJJDP national conference held October 12th through 14th, and thrilled that over 3,000 people who registered for that program at their own expense were able to participate.

So I look forward, Madam Assistant Attorney General, to your testimony and to continued work on how we can get young people on the right track and keep them on the right track.

Thank you, Mr. Chairman. I yield back.

Mr. GOHMERT. Thank you, Mr. Scott.

It is now my pleasure to introduce today's witness. Laurie Robinson has served as——

Mr. CONYERS. Pardon me, Mr. Chairman.

Mr. GOHMERT. Absolutely, the Chairman emeritus, John Conyers of Michigan.

Mr. CONYERS. Thank you, Mr. Chairman. I won't take long, but I wanted to join in welcoming our distinguished witness, Attorney Robinson. Just to refresh the memory of some of the Members on the Subcommittee, the program of the National Forum on Youth Violence was conducted in six cities and I am very proud to say that Detroit was one of those cities that was visited. And although the Deputy Attorney General wasn't there, Attorney Tom Abt, her assistant, was in Detroit. And we had an incredibly meaningful sight. They met in my Congressional district at the Boys and Girls Club, and the mayor of the City of Detroit, Dave Bing, was there. The U.S. Attorney for the Eastern District of Michigan, Ms. Barbara McQuade, was there. Michael Strautmanis, a deputy in the White House, was there himself. And they were in total at five other cities dealing with this question of youth and violence prevention. After the hearing they made tours around the city. This forum was also in Chicago, Boston, San Jose, Salinas, and Memphis. And this was all last month. We think this commitment to attending this question of youth violence in urban areas is of incredible importance. We wanted to thank you for the work that is being done in the Department of Justice in that regard.

Now the budget constraints that have limited you so far are restraints that have come from the U.S. Congress. And so I wish we could reiterate and I hope that you will make clear, indeed if you have to submit additional materials—just what the funding picture is—that we need to be appreciative of to know how to deal with the budgetary issues in your department within DOJ.

And finally, I just have to recall to Judge Gohmert, our Chair today, that some of the problems that he described took place during the years 2005 to 2008, a time in which I don't think you were—well, I don't know where you were then, but I know you weren't in the position that you are now with the responsibilities that require you to come before our Committee. But under your leadership I do know the Office of Justice Programs has begun to correct itself and move forward, and it is in that sense that I join the Chairman and the Ranking Member Bobby Scott in welcoming you to this hearing today.

Thank you, Mr. Chairman.

Mr. GOHMERT. Thank you. We appreciate that. I certainly noted that some of these problems arose before 2008, that certainly wouldn't be your responsibility. And of course one of the things that endeared me so to the current Republican leadership is my constant pointing out of problems that occurred on our watch. It might be noted that I am actually Vice-Chairman of this Committee. It may have something to do with that.

But anyway we appreciate your being here today. Ms. Robinson served as Assistant Attorney General for the Department of Justice, Office of Justice Programs since 2009. Ms. Robinson has previously served as Assistant Attorney General from 1993 until early 2000. From 2004 to 2009 Ms. Robinson served as the Director of the Master of Science Program in the University OF Pennsylvania'S Department of Criminology. Between 2001 and 2009 she also served as a Distinguished Senior Scholar in the university's Jerry Lee Center of Criminality and as Executive Director of its Forum on Crime and Justice.

Prior to joining the Department of Justice in 1993, Ms. Robinson was the Director of the ABA's, American Bar Association's, Section of Criminal Justice for 14 years, where she founded the ABA's Juvenile Justice Center. Ms. Robinson is a graduate of Brown University.

She has a written statement that will be entered into the record in its entirety. We ask that you would summarize that statement in 5 minutes or less and appreciate again your being here. We know that the pay is not that good for witnesses coming before Congress. And for anybody who doesn't know, there is no pay.

Anyway I do now recognize Ms. Robinson, please.

TESTIMONY OF THE HONORABLE LAURIE ROBINSON, ASSISTANT ATTORNEY GENERAL, OFFICE OF JUSTICE PROGRAMS, U.S. DEPARTMENT OF JUSTICE

Ms. ROBINSON. Mr. Gohmert, thank you so much, and Ranking Member Scott and the distinguished Members of the Subcommittee for having me here today.

I am very pleased to have the opportunity to discuss with you the priorities in the work of the Office of Justice Programs.

OJP's mission is to increase public safety and improve the fair administration of justice across America through innovative programs and leadership. The resources we provide are critically important, especially in challenging times when public safety professionals face shrinking budgets.

When I was confirmed 2 years ago I announced three goals: First to support State, local and tribal criminal and juvenile justice practitioners through innovative partnerships; second, to expand our base of knowledge about what works to address crime and better communicate that to the field; and, third, to address the issues, Mr. Gohmert, that you had raised about our obligations as stewards of Federal funds. That is so important, and I can report on progress in each of these areas.

Tight budgets at every level of government have clearly made it harder for jurisdictions to tackle their crime problems alone. Since returning to OJP I have sought to expand partnership with our stakeholders, and our work has paid off. Both Mr. Scott and Mr. Conyers have mentioned our National Forum on Youth Violence Prevention. This is a cooperative effort across levels of government and across Federal agencies to address youth and gang violence. The investment of Federal funds in the forum is modest. It is not about new spending, but it is about leveraging existing resources and making those public dollars go further.

I am also proud of our progress building our base of evidence and getting information about what works out to the field. Last November the Attorney General appointed an 18-member Science Advisory Board to help guide these efforts. And in 2009, I launched an OJP-wide Evidence Integration Initiative to improve our knowledge about effective practices and then get that information out to practitioners on the front line.

As part of that initiative, in June we launched a new Web site called CrimeSolutions.gov. It is a "what works clearinghouse" with more than 150 programs assessed from research for their effectiveness. And next year we open a State and local help desk. It is a

Diagnostic Center to serve as a "one stop shop" to help those implementing evidence based approaches.

And finally, we are working hard as a top priority to fulfill the trust the American taxpayer has placed in us to manage public funds. During my confirmation hearing I said that addressing waste, fraud and abuse would be a top priority. So we have been actively working to strengthen internal controls.

As you said, Mr. Gohmert, we currently manage almost 14,000 grants, totaling almost $10 billion. Yet we consistently exceed our statutory monitoring requirements. Last year we monitored more than twice the amount required by law, and the Department's Inspector General has pointed out the positive steps we are now taking to improve our grant management practices. Earlier this year she called our work—in testimony before Congress—she called our work to implement the Recovery Act "extraordinary' and that is an unusual term for the IG to use.

We have also found ways to minimize cost. In fiscal year 2011 we, within OJP, cut staff travel expenses by 39 percent from the prior year. And we saved $2 million through freezes or hiring promotions and staff training, again $2 million, and reassessed our IT contracts to save $5 million.

We have specifically taken a number of steps to limit costs related to training and conferences for the field. Even before the IG's September report on conference costs we had already taken measures to limit spending in this area—even before the report came out. And since it came out, we have taken additional steps, including a new policy I announced October 21 prohibiting all food and beverage costs under OJP grants and contracts, except in the most extraordinary circumstances.

While we have acted aggressively to reduce these costs, I think it is also important to remember that training conferences for the field are indispensable to meet our statutory mission of sharing information and providing assistance to the criminal and juvenile justice field.

Mr. CONYERS. Mr. Chairman, can the witness be given a couple additional of minutes, please?

Mr. GOHMERT. Without objection, please continue.

Ms. ROBINSON. I am about to wrap up.

Mr. Gohmert, OJP's effectiveness and credibility I think depend on our ability to account for the dollars we administer. I take that responsibility very seriously and look forward to working with you and the Subcommittee to ensure our programs meet the high standards you expect and the American people deserve.

Thank you so much, and I look forward to your questions.

[The prepared statement of Ms. Robinson follows:]

Department of Justice

STATEMENT OF

THE HONORABLE LAURIE ROBINSON
ASSISTANT ATTORNEY GENERAL
OFFICE OF JUSTICE PROGRAMS

BEFORE THE

SUBCOMMITTEE ON CRIME, TERRORISM, AND HOMELAND SECURITY
COMMITTEE ON THE JUDICIARY
UNITED STATES HOUSE OF REPRESENTATIVES

REGARDING

OVERSIGHT OF THE OFFICE OF JUSTICE PROGRAMS

PRESENTED

NOVEMBER 2, 2011

Statement of
The Honorable Laurie Robinson
Assistant Attorney General
Office of Justice Programs

Before the
Subcommittee on Crime, Terrorism, and Homeland Security
Committee on the Judiciary
United States House of Representatives

Regarding Oversight of the Office of Justice Programs
November 2, 2011

Chairman Sensenbrenner, Ranking Member Scott, and distinguished Members of the Subcommittee, thank you for inviting me to speak with you today. I am pleased to have this opportunity to discuss the priorities and activities of the Office of Justice Programs (OJP).

In addition to serving as the current Assistant Attorney General of OJP, I have spent a great part of my career involved, both directly and indirectly, in supporting its mission. My first job in criminal justice was working on a grant-funded project from OJP's predecessor agency, the Law Enforcement Assistance Administration (LEAA), in the 1970s. In the 1990s, I served as OJP's Assistant Attorney General under President Clinton and Attorney General Reno. Now, I am proud to serve again as head of OJP under President Obama and Attorney General Holder.

OJP's mission is to increase public safety and improve the fair administration of justice across America through innovative leadership and programs. This mission fulfills

two important components of the overall mission of the Department of Justice, namely, providing federal leadership in preventing and controlling crime and ensuring fair and impartial administration of justice for all Americans. At OJP, a key goal is to emphasize close and productive relationships with a broad array of stakeholders in the criminal and juvenile justice fields.

This mutual support, and the resources available from OJP to bolster our criminal and juvenile justice systems and victim services, are of critical importance in these challenging economic times. Across the country, public safety professionals – from law enforcement officers and prosecutors to corrections officials and victim service providers – have been contending with shrinking budgets that threaten their jobs and, ultimately, the peace and security of our homes and communities. To be sure, crime rates nationally are down, but departments across the country have suffered, or are facing, massive lay-offs, when homeland security duties and other 21st-century crime challenges are multiplying the responsibilities of law enforcement agencies, when line-of-duty deaths and violent assaults on law enforcement officers are on the rise, and when states are confronted with the difficult dilemma of addressing high prison populations – and corrections costs – while ensuring the safety of citizens.

During my confirmation hearing before the Senate Judiciary Committee in October 2009, I articulated three overarching goals for my tenure at OJP to respond to the challenges facing the public safety field. First, I underscored the urgency, particularly in these tight economic times, of supporting state, local, and tribal criminal and juvenile

justice practitioners through *innovative partnerships* based on shared responsibilities. Second, I emphasized the importance of OJP's role in *expanding our base of knowledge about what works* and, perhaps even more important, in communicating that knowledge to the field in a way that will be most useful. And third, I highlighted *OJP's critical responsibility as a steward of federal funds* and pledged to spare no effort in ensuring accountability of the resources entrusted to us. I am pleased with the progress we have made in each of these areas over the last two years and, in particular, we have aggressively worked, as a high priority, to address waste, fraud, and abuse in our management of government funds.

Building Partnerships

In the current climate of fiscal restraint and uncertainty – when scaled-back budgets jeopardize even the most basic civic functions, and front-line law enforcement officers wonder about the future of their jobs – our state and local partners depend on our leadership and our willingness to support them in their work. Because the need for discipline at the federal level is every bit as great as it is at other levels, we do not have the luxury of coming to the aid of our partners with generous financial resources. Our limited federal funds are best spent helping states, localities, and tribes do what no one state or locality can do on its own. We serve them best when we work with them to study and understand their problems, join with them in brainstorming solutions and developing strategies, coordinate our own response at the federal level – across agencies – and walk beside them as they carry out their work. In other words, we are most effective when we

are a true partner.

Since returning to OJP in 2009, I have sought to broaden our definition of partnership and to expand our base of partners. Within my first months, I held several listening sessions with major stakeholder groups to gauge the issues of greatest concern to the field and to hear feedback on how OJP can best help to address those issues. I also convened a meeting with private foundations involved in crime and justice efforts to explore areas of potential public-private cooperation. Finally, we have been working diligently to coordinate our efforts with other federal agencies whose mission and activities coincide with ours.

One excellent product of our efforts is our National Forum for Youth Violence Prevention. This intergovernmental, cross-disciplinary partnership brings together local and federal leaders, law enforcement officials, educators, public health providers, community and faith-based representatives, parents, and young people to share ideas about effective and cost-efficient ways to prevent youth and gang violence. The Forum's emphasis is on leveraging current spending to make scarce public dollars go further, rather than on new spending. Thus far, six cities – Boston, Chicago, Detroit, Memphis, Salinas, and San Jose – have developed and are implementing comprehensive violence prevention plans using multidisciplinary partnerships, data-driven strategies, and a balanced approach aimed at reducing violent crime, improving opportunities for youth, and encouraging innovation. A number of additional cities have asked to participate in the Forum, and the President's budget request includes $6 million to expand this

innovative network of partnerships from 6 to a total of 18 cities.

Another example is our work in the area of prisoner reentry, which is a major domestic policy priority of the Department of Justice and the Obama Administration. In January, the Attorney General convened the first meeting of the Federal Interagency Reentry Council, which included seven Cabinet-level secretaries, the Commissioner of the Social Security Administration, the Director of the Office of National Drug Control Policy, the Director of the White House Domestic Policy Council, the Executive Director of the White House Office of Faith-Based and Neighborhood Partnerships, and the Chair of the U.S. Equal Employment Opportunity Commission. The purpose of the Council is to coordinate federal reentry efforts in service of three goals: enhancing community safety by reducing recidivism and revictimization; helping those returning from prison to become productive citizens; and saving taxpayer dollars by lowering the direct and collateral costs of incarceration.

OJP is leading the staff-level effort – which now includes 18 different federal agencies – and is making excellent progress on the Council's goals. Among our accomplishments thus far is the development of a number of reentry "MythBusters," which clarify existing federal policies that affect formerly incarcerated individuals and their families. The goal of these "MythBusters" is to help correct misinformation in areas such as public housing access, eligibility for benefits, and Medicaid suspension, among many others, that often impedes the ability of former inmates to reintegrate and to turn away from crime.

Expanding Knowledge

My second goal on returning to OJP was to build upon the momentum generated in recent years by the growth in the body of criminal and juvenile justice research and, specifically, to take the next important step of communicating distilled information to practitioners and policymakers who, after all, make the decisions that most directly affect community safety. The development and dissemination of knowledge about what works in addressing crime is a critical federal mission and one that our state, local, and tribal partners depend on us to perform. This function was outlined most clearly in 1967 by President Johnson's Crime Commission, which called for a strong federal role in supporting research and gathering statistics.[1] Reflecting the bipartisan support for this goal, that principle was reinforced 14 years later by the Attorney General's Task Force on Violent Crime under President Reagan, which said, without dissent, that "the federal government has a unique responsibility to conduct research on criminal justice issues" and "to test and evaluate . . . programs rigorously."[2]

With few exceptions, local jurisdictions do not have the capital to make investments in criminal justice research. In his budget request to Congress this year – as he did last year – the President has proposed a three-percent set-aside of all OJP grant and reimbursement funds to be used for research, evaluation, and statistical purposes. Last

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1 *The Challenge of Crime in a Free Society: A Report by the President's Commission on Law Enforcement and Administration of Justice*. U.S. Government Printing Office, Washington, D.C. February 1967.
2 *Attorney General's Task Force on Violent Crime, Final Report*. U.S. Department of Justice, Washington, D.C. August 1981.

November, the Attorney General appointed an 18-member Science Advisory Board to guide the efforts of OJP in developing evidence-based policies and programs. The Board held its inaugural meeting in January and met again in June. And last year, the Senate confirmed the appointments of two respected scientists, John Laub and Jim Lynch, to lead the National Institute of Justice (NIJ) and the Bureau of Justice Statistics (BJS). These actions reflect a strong effort on the part of the Administration and the Department to build the credibility and integrity of OJP's science functions.

Strengthening the science behind our work is an all-important first step. The next step, just as significant, is applying that knowledge. Without question, our knowledge about what works – in areas such as "hot spots" policing and swift and certain sanctions – and what doesn't – Scared Straight and the early Drug Abuse Resistance Education (D.A.R.E.) model come to mind – is expanding quickly. Regrettably, however, the growth in the body of evidence has outpaced our ability to make that evidence readily available to policymakers and practitioners.

Shortly after my return to OJP, I launched an agency-wide Evidence Integration Initiative designed to assess our understanding about what works in reducing and preventing crime and determine how to use that information to fight crime more effectively. The goal of this effort is to get this information out to the field in a comprehensible, practical format. We have already begun to explore strategies for sharing research about gangs and children exposed to violence so that law enforcement departments and other justice and human service system agencies can make decisions

based on the best information available. And in June, I was very pleased to announce the launch of CrimeSolutions.gov, a new Website with more than 150 programs covering a range of topics. These programs all come with a rating for effectiveness, and the hope is that the information it carries will be of use to our partners in the field.

I am also pleased that in 2012 OJP will open a State and Local Help Desk and Diagnostic Center. The Diagnostic Center is a one-stop shop for state and local leaders and agency heads seeking real-time diagnostic assistance and resources to solve public safety problems. The Diagnostic Center will operate a hotline, disseminate comprehensive training and technical assistance services focused on evidence-based practices, and support state and community executives in the implementation of evidence-based programs and practices in the field.

Sound Stewardship of Federal Funds

The only person to whom OJP owes a greater responsibility than its stakeholders is the American citizen and taxpayer. As I know you agree, we must all do our part to ensure that taxpayer funds are spent wisely, particularly in light of the difficult economic conditions that so many American families face today. As I said during my confirmation testimony, guarding against waste, fraud, and abuse is among my highest priorities. Under my direction, OJP has been working hard to cut costs and ensure proper oversight of grant and contractor funds and to administer those funds in the most transparent way possible.

Despite maintaining programmatic and fiscal responsibility for almost 14,000 active grants totaling almost $10 billion with limited salary and expense funds, OJP has found ways to minimize costs. In Fiscal Year 2011, we cut staff travel expenses by 39% from the previous year and saved $2 million through freezes on hiring, promotions, awards, and training. We also reassessed our Information Technology contracts, resulting in nearly $5 million in additional savings. While I am concerned that additional cuts could significantly impact OJP's ability to serve its constituents and achieve its statutory mission, we are committed as an agency to spending taxpayer funds as efficiently as possible.

Under my direction, OJP has adopted a hard line approach to monitoring and oversight of its grantees, implementing agency-wide standard policies, procedures, and internal controls. We conduct desk reviews of each of our nearly 14,000 grants. Every quarter, all grants are assessed against risk factors to identify those in need of increased technical assistance and in-depth monitoring. OJP consistently exceeds its statutory requirement to conduct comprehensive monitoring of not less than 10% of total award dollars. In fact, in Fiscal Year 2011, we monitored more than twice the amount required by law.

The Department's Office of Inspector General (OIG), in a report earlier this year on the monitoring and oversight of OJP's Recovery Act and non-Recovery Act programs, highlighted many of these improvements and acknowledged the collaborative

relationship that OIG and OJP have developed. The Acting Inspector General said in her oversight testimony in February that the Department has taken positive steps to improve its grant management practices, in particular calling our efforts at OJP to implement the Recovery Act "extraordinary."

OJP has embraced and aggressively implemented a host of recommendations from the OIG's 2009 report, *Improving the Grant Management Process*. We have coordinated with grantees and the OIG to address issues identified in grant audits, and we have streamlined our follow-up audit activities, eliminating existing backlogs and allowing for more timely resolution of outstanding audit recommendations. In Fiscal Year 2011, OJP closed 122 of the 223 open single and OIG grant audit reports, which represents a return of $5.3 million to the federal government for unallowable or unsupported costs.

I have instituted efforts to establish policies, procedures, and internal controls to ensure sound stewardship, strong programmatic and financial management, and effective monitoring and oversight of OJP's grant programs. These controls not only address the overall soundness and integrity of the monitoring process but extend to the analysis of individual grant and contract line items, including conference costs.

I firmly believe that training conferences and on-site technical assistance are important and effective ways that OJP conveys information, skills, and knowledge about evidence-based practices to its state, local, and tribal law enforcement and criminal

justice constituents, and they are indispensable in fostering and strengthening collaboration and partnerships, which are critical in these difficult economic times. Moreover, OJP's authorizing statutes reflect Congress's intention for training conference costs to be used to help OJP achieve its mission. Yet it is imperative – and I am firmly committed to ensuring – that we make every effort to minimize planning and operational costs and ensure that funds spent on travel, lodging, and food and beverages are reasonable. Since my return to OJP, we have worked diligently to keep these costs to a minimum.

Prior to the recent OIG report on Department of Justice conferences, OJP had already taken concrete steps to limit spending in this area and ensure greater transparency and scrutiny of conference costs. For instance, before release of the report we had already revised our Financial Guide to require that all food and beverage costs funded under cooperative agreements comply with additional DOJ guidelines and added a special condition to all cooperative agreements outlining these requirements. In January, the Attorney General instructed all components to limit all travel, training, and conference spending to essential needs. As a result of these efforts, the Department's conference spending in the first two quarters of fiscal year 2011 was down by $5.5 million from the same period the previous year.

We are also updating our policies to require that all award recipients involved in planning OJP conferences separately track and report all costs associated with conference planning, including salaries and benefits. We are requiring strict justification from event

planners for travel, lodging, and food and beverage costs. We are improving our process for identifying cost-effective training and technical assistance services and building that into our selection process for cooperative agreements. And we have significantly limited staff participation in conferences and other events, relying as much as possible on video-teleconferencing and other means of communication.

Conclusion

Mr. Chairman, I remain committed to strengthening partnerships with our stakeholders and sister federal agencies and developing and disseminating knowledge about what works to the field. I also believe strongly that our success in fulfilling our mission to improve the fair administration of justice – a goal premised on winning the public's trust – depends on our ability to account for the funding we are responsible for administering. I look forward to working with the Subcommittee to ensure that our programs and activities meet the high standards that you expect of us and that the American people deserve.

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Mr. GOHMERT. Thank you, Ms. Robinson. We now continue with 5 minutes of questions from each Member. And I reserve my questions for later so we can move on. I yield 5 minutes to Mr. Scott.

Mr. SCOTT. Thank you, Mr. Chairman. Ms. Robinson, I understand that the Bureau of Justice Statistics is undertaking a study of youth in adult court. Only 13 States collect that data today, so it is extremely important so we know what is going on. Do you have information on this study that you can reveal now or would you like—I would like some information on that. Could you do that now or for the record?

Ms. ROBINSON. Mr. Scott, I don't have that information at this time. I know this is an area of very great interest and focus for them. But we would be happy to get that information for you for the record.

Mr. SCOTT. Thank you.

You talked about stewardship. There was great fanfare about the $16 muffins. Can you tell us what that was about?

Ms. ROBINSON. Yes, I would be happy to talk to you about the steps that we have taken relating to conference costs. First of all, the Department of Justice strongly shares the concern of the Inspector General and of all of you, really of all Americans, about using tax dollars wisely and the importance of not tolerating wasteful spending. This is something the Department has focused on for some time.

For example, in May of 2009 the Deputy Attorney General issued a memo to all of the Department about limiting conference costs. And then in January of this year the Attorney General issued a memo across the board urging limitations on spending not just in the conference area, but relating to staff travel, to training, to a variety of things, and also placed a freeze on hiring. And the savings that I noted in my opening statement really derive from the steps that we took in response to that.

Even before the Inspector General report was issued, we took aggressive action at OJP to respond to this area, because we work very closely with the IG, and during their work with us in the investigation we were aware of their concerns in working with them.

I would note that the conferences in the report all took place, as Mr. Conyers has alluded to, before I had come to OJP. It doesn't mean it is not an area of concern.

Mr. SCOTT. Let me ask a more specific question. $16 muffins, is it true that that was an absolute miscalculation, that the cost included the room and a lot of other expenses, not just the muffins?

Ms. ROBINSON. Apparently that is the case. This was not an OJP conference, but the IG did issue a retraction on that last week.

Mr. SCOTT. Thank you. Can you tell us the status of the Prison Rape Elimination Act regulations as they pertain to juveniles?

Ms. ROBINSON. Yes, I can tell you the following information. As you know, a number of questions were released with the draft regulations that were issued earlier this year. I think there were 64 questions put out for comment. This is being handled not by OJP but by a different part of the Department, and hundreds and hundreds of comments were apparently received in response to those 64 questions. Those are now under review, as I understand it, by the Department. I am told that the final regs will be finished in

the near future; then they have to go to OMB for final review. I have not seen them. I don't know what is in them.

Mr. SCOTT. Six cities, as the gentleman from Michigan mentioned, received planning grants under the Promise Neighborhoods. Can you tell us what the importance of the planning is before you get into a comprehensive program, the value of planning and how evaluation and evidence will be considered? Not on evidence based in terms of what they do but also evaluation to make sure they are effective.

Ms. ROBINSON. Yes, I think that we have seen in all of these community based programs, and this really goes back to the beginning of the LEAA program, which was the predecessor program to OJP. As you well know, that comprehensive plan—bringing all parties to the table, all interested multi-disciplinary groups—is the way to ensure that programs really can make a difference, because having all of the interested parties together with all interests at the table and considering all of the data that needs to be on the table at the same time, will ensure a data driven approach and will also ensure, as you have pointed out, that evaluation is considered from the beginning. You can't really evaluate a program after the fact unless you have that in place at the outset.

Mr. SCOTT. How do you ensure that evaluations will actually take place? Is that part of the grant process, that you have to have an evaluation of your program after the fact?

Ms. ROBINSON. With the Promise Neighborhoods I don't know if that is built in, but it should be because that is something throughout the Administration that we are trying to ensure.

Mr. SCOTT. Thank you, Mr. Chairman.

Mr. GOHMERT. Thank you, Mr. Scott. At this time we will—Mr. Amodei, are you ready to ask questions?

Mr. AMODEI. I yield my time back, Mr. Chairman.

Mr. GOHMERT. Okay. Then Mr. Conyers for 5 minutes.

Mr. CONYERS. Thank you, Judge Gohmert. I appreciate your coming before the Committee today. This area that you are in, Assistant Attorney General Robinson, is critical. How we deal with young people that too frequently in our society can get caught up in peer pressure, the gangs and ultimately into conduct, violent conduct. And I note that you were the Chair of the Vera Institute of Justice and that you were in this work when Janet Reno used to come before this Committee and sit exactly in the chair that you did in this same room. If you could take a few minutes to reflect on this journey that we have all been going through in dealing with this very critically important area of our society in terms of how we approach the youngsters, and if there have been schools of thought that have come and gone in the course of your experience, I would be happy to hear about it.

Ms. ROBINSON. Well, thank you for the question, Mr. Conyers. I would say that the main takeaway I would share is that there is now in this country in the criminal justice field and the juvenile justice field a common understanding. And we see this reflected in the National Forum on Youth Violence, in fact, and we see it reflected across law enforcement and across people in prevention work, and we see it from the mayors, and we see it from those in youth work—that a balanced approach is needed, that you need to

have law enforcement at the table and people involved in social services and prevention, that no one approach alone can make a difference.

The one thing since the 1990's on which there is now greater focus is the back end with reentry, and that is the additional element that we see brought to the table. So the balanced approach, a data driven approach and a multi-disciplinary one, I think, are the three elements that we would see as key, and there is such a consensus around this from every part of system.

Mr. CONYERS. Now the LEAA, the Law Enforcement Assistance Administration, started back in 1968.

Ms. ROBINSON. Correct.

Mr. CONYERS. And I was wondering if there were differences between what happened then and what is happening now under OJP under your administration?

Ms. ROBINSON. It is interesting that you ask that. I don't know if there are many people around who are as much students of the history of the program as much as I am.

Mr. CONYERS. Well, when I came here the Chairman was Peter Rodino of New Jersey.

Ms. ROBINSON. I recall. LEAA had a much greater emphasis on the comprehensive planning in its distribution of formula grants to the States than the OJP JAG Byrne funding has had traditionally. We have tried in working with the National Criminal Justice Association to return to a greater emphasis on that comprehensive planning, and the NCJA, the National Criminal Justice Association, has been a good partner in that.

I think that is particularly important at a time of tightened budgets because of the need to think through how spending is directed. That would be one critical difference, I think.

Mr. CONYERS. Mr. Chairman, could I get an additional 2 minutes?

Mr. GOHMERT. Without objection.

Mr. CONYERS. Thank you, sir.

I wanted you to comment out of your wealth of experience, Madam, on the whole "lock 'em up and throw away the key" strategy. There still exists here some very serious divergent schools of thought; namely, you punish kids, you put them away, ignoring the fact that frequently they come out worse than when they went in. And the connecting observation to this is the fact that minority youth are disproportionately incarcerated as they are brought into the juvenile justice system.

Do you notice any awareness of the fact that frequently they are the most ID'd, they are most frequently arrested, most frequently prosecuted, most frequently get the longest sentences, and most frequently end up as enemies of society by this process that I have been describing?

Ms. ROBINSON. This is certainly an area that the Office of Juvenile Justice and Delinquency Prevention has addressed over a good deal of time under the disproportionate minority contact focus within that office, that initiative. So yes, there has been a great deal of attention to that. And I think that the juvenile justice systems in many States have addressed that, Mr. Conyers.

Mr. CONYERS. I hope you keep working on it because I am going to be; me and my staff are going to be in contact with you about it.

Thanks, Chairman Gowdy.

Mr. GOWDY. [presiding.] I thank the gentleman from Michigan.

Ms. Robinson, good morning, welcome.

Ms. ROBINSON. Good morning.

Mr. GOWDY. There is a quote from you in 2007 where I think you accurately said 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. I would add to that at some level we are going have to have more of a conversation about what is an appropriate role for the Federal Government juxtaposed with what is appropriate for State governments. And it is not a question of whether you place value on a program or an initiative.

The examples I guess, at least to my mind, would be in the area of DNA testing. If a State is willing to invest its own money, hypothetically Virginia, South Carolina, Michigan is going to invest its own money in coming up with a state-of-the-art DNA lab and other States are not, why would the Federal Government incentivize or reward States who don't meet what is a fundamental responsibility of the criminal justice system, which is testing their evidence? Why would that not be a program that you would say, okay, States, that is a State function whether you like it or not, your budgets are tight, our are tighter, you are going—I think I saw a note we are actually doing away with funding for the forensic science grants; is that right?

Ms. ROBINSON. There are two different kinds of appropriation lines relating to this in our budget, one is the Paul Coverdell grants.

Mr. GOWDY. Right.

Ms. ROBINSON. Which we recommended not be funded in the budget last year. So we were looking for areas to reduce funding. And then there is the DNA testing, which is more the forensics area, which includes funding to look—and I will give you an example more on the science end—to look for ways to actually speed the process and look for more the science way to expedite ways that States are doing it.

But I would make the point the vast majority of the testing in the labs is already paid for at the State and local level. So I agree with you. It is an inherently State and local responsibility. And as you well know as a former prosecutor at the local level, 95 percent of criminal justice occurs at the State and local level.

Mr. GOWDY. And even though I love my State and I am very proud of it, we fought a battle as a local prosecutor getting the State legislature and others to prioritize what are the functions of State government. And it just strikes me as kind of counterproductive when the Federal Government comes in and rescues those States that aren't willing to have that debate.

Let me offer a worked of compliment to you. I think there are at least a couple of programs I am familiar with in my own former district which is now a congressional district. Lynn Hawkins' Rape Crisis-SAFE Homes. South Carolina was number one in the coun-

try in men killing women in 2000. And because of her work through some help I believe from the Department of Justice through a grant she has made remarkable progress.

One area where I don't see funding and maybe it is because I missed it, children advocacy centers, intervention programs, youth at risk programs. We can debate whether those work or not, some may, some may not. What is nondebatable is the success of the Children Advocacy Center and raising the conviction rates in child sex cases.

So what is DOJ doing with respect to the children advocacy centers that are fighting for funding in these austere times.

Ms. ROBINSON. No, we have funded Child Advocacy Centers definitely through our Juvenile Justice Office, so we have provided that funding. And if I may, can I go back to the DNA for a moment?

Mr. GOWDY. Sure.

Ms. ROBINSON. The kind of thing I find very exciting is through our National Institute of Justice, where we are doing some experimentation. I will give you an example from Baltimore. We are providing funding to the Baltimore Police Department and they are working with an academic institution with Yale and with a private company, as well, to test out digital technology, to go actually to the crime scene to sample DNA technology right there. And what they can do, and I am not an expert in this technology at all so I hope I am describing it correctly, but to get a smaller number of samples that they then, with this digital technology, process more quickly and less expensively. And I am told that it could really revolutionize the way we collect and process DNA technology to make it much quicker and less expensive.

Mr. GOWDY. My time is up, but I wonder if the gentleman from Virginia might be gracious enough to allow me to ask one more question.

Mr. SCOTT. No objection.

Mr. GOWDY. I don't want to get into the whole travel conference, I don't have enough time to do that other than to say there is a facility—it is not in my district, it is in South Carolina—called the NAC, it is run by a former Federal prosecutor, I guess she is still a Federal prosecutor, her name is Cami Chandler. She does a phenomenal job. I was there last week, first time I have been there as a nonprosecutor. Are we using that as much as we ought to be? Columbia may not be as glamorous as a city that starts with San, although I think it is, it may not be, I understand reasonable minds can differ on that. Are we using the NAC which is as a phenomenal resource as much as we should be using it?

Ms. ROBINSON. Yes, actually I love the NAC. I have been there. The NAC—we do use that. It is actually booked almost all the time by the Executive Office of U.S. Attorneys, as I am sure you are familiar with as a former U.S. attorney. And we try to get in there more often, but it actually is booked almost all the time. But we do keep that in mind. And that is one of the things that we now are doing is actually—not just with the NAC—but we have a checklist that we are now requiring our staff at OJP to use to go down the checklist; for example, can this meeting be done by teleconfer-

ence? Can it be done in a Federal facility? So the NAC is going to be on that list.

Mr. GOWDY. Good. Thank you. The gentleman from Tennessee, Mr. Cohen.

Mr. COHEN. Thank you, sir. First of all, I want to thank the Department, Ms. Robinson in particular, for all your efforts in coming to Memphis and other cities, I think Detroit is another, a National Forum for Youth Violence Prevention. Memphis was pleased to participate. Mr. Abt is almost a Memphian now, I think we have registered him to vote, taken his picture, all those things we have to do. It is a major success I think in bringing people together, the stakeholders and the community, and work together with youth violence, which Mr. Conyers was talking about, that is such a problem. I appreciate your reaching out to my office keeping me informed and involved. That has been very helpful.

Mr. Conyers' questions were about the youth and losing the youth and particularly minority youth. And I thought Mr. Gowdy, who I have come to respect greatly since he has been on this Committee, I got to know him in Congress, was going there in the same area I was going. And I think when he asked you about some quote you made previously about discarding things that don't work and then suggesting that maybe there are certain programs that shouldn't be Federal and most I guess—I don't know how you phrased it, Mr. Gowdy, but it was that programs should be local and not Federal oftentimes. Many, many, many young people, particularly people of color, are arrested for possession of marijuana which shouldn't be a Federal issue. It should be a local issue, like Mr. Gowdy said. Let the locals decide whether they want to make that illegal or not and how they deal with it.

I know the City of Chicago, some aldermen are introducing a decriminalization bill today. The whole program in this country with marijuana arrests has been a failure for 40 years. The public is against it. More of the public now is for decriminalization than is against it. Those numbers are simply going to grow.

What is the Department of Justice doing to try to see that we don't continue to put scarlet letters on young people with arrests so they can't get jobs later, can't get maybe scholarships, get grants, loans in college and have the States make the decision to get the Federal Government out of in line with the Ron Paul-Barney Frank-et cetera bill.

Ms. ROBINSON. On the general issue of reentry after convictions we have actually been doing a lot through our Prisoner Reentry Council. The whole issue of reintegration of people after they have been in the juvenile or criminal justice system is very top priority for Eric Holder as Attorney General. So we are working in concert with the Department of Labor and other parts of the government across the executive branch, both at the cabinet level and the agency staff level.

Mr. COHEN. I know in the program you brought to Memphis there has been a holistic approach which I think is so needed. When you arrest a person and give them that scarlet letter and conviction from marijuana offense, it stays with them the rest of their life, and even if you go to labor, et cetera. There is Second Chances, but certain businesses wouldn't hire you if you have a fel-

ony offense, particularly for drugs. People can get all kind of jobs and be drunk as much as they want the night before. They can't if they smoke marijuana and that happens to maybe be in their system.

Shouldn't this be an area the Department of Justice looks to make reform so we are not putting more young people at risk for not getting opportunities future?

Ms. ROBINSON. No, the Administration has not taken that step at this point.

Mr. COHEN. And do you think that—what does the Administration need to get to that step? Do they need some kind of consciousness training, do they need some scientists that maybe can give them some information or some pollsters that can tell them about the youth that they are losing and whatever they are losing? What do they need?

Ms. ROBINSON. Well, I will be happy to raise this with my boss over there.

Mr. COHEN. Do you know about Byrne grants? And there is a problem I have, I think Byrne grants, and this is something you could do.

Ms. ROBINSON. Yes.

Mr. COHEN. Byrne grants are given out to law enforcement agencies, and when they use them oftentimes to arrest people for marijuana possession, it is just a vicious cycle. They get the money, they use it, they confiscate monies, they get—sometimes they get the proceeds of the arrest or the bust, and it is cash register justice.

Shouldn't the Byrne grants be conditioned on maybe going after the drugs that cause people to become addicted, like cocaine and meth and crack and only allow the Byrne grant monies to be used for those type of drug offenses where people get addicted and then go out and rob and murder?

Ms. ROBINSON. Currently, by law, the JAG Byrne funding is overwhelmingly formula grant funding, so those decisions are made at the State level.

Mr. COHEN. Can you give us some statistics or would you get some statistics on how much they have used that for marijuana arrests, which I think you will find it shockingly high?

Ms. ROBINSON. Yes. Yes, we can look at that. I actually would be surprised if it is that high, but we can certainly look at those statistics and get back to you with that information.

Mr. COHEN. If I could have 1 more minute, Mr. Chair.

Mr. GOWDY. Yes, sir.

Mr. COHEN. Some people don't realize what is going on in the country, and we had a hearing, a discussion about a year ago, 2 years ago, and Mr. Rangel, who is a knowledgeable man, said, oh, they don't make marijuana possession arrests in New York, that doesn't happen. New York is the number one location in the country for marijuana possession arrests, and it is people of color, and it is part of the program they have got there, they use it as a law enforcement tool, and then they stigmatize the person forever.

So I think you would be surprised, and I would like to ask you if your office can do a study on the number of people in the jurisdictions, maybe with this Byrne grant money, who have been ar-

rested for marijuana possession or marijuana in general because, you know, while you do them in the way, you give this money out in a lump sum, I would submit that this Administration, General Holder, should have some direction to the locals on how to spend that money, and the direction should be to go after meth and crack and heroin. Those are drugs that cause people to be addicted and cause them to have to steal and rob and do violent acts to get their habit, their drug fed. They have got a monkey on their back, and that is their Jones, and they take it. Marijuana is not the problem. It is turning a whole generation of young people against the system, and that is something we can't afford.

Ms. ROBINSON. Yes. We can, by the way, put policy guidance with the distribution of the money, even though we can't direct it under the current law.

Mr. COHEN. Well, if you would look into putting that guidance in effect to let me know what guidance you might have done in the past or what you are looking for in the future.

Ms. ROBINSON. Of course.

Mr. COHEN. And I appreciate you, you are just phenomenal and do a great job. And so I started by praising Mr. Gowdy. I want to close by praising you.

Ms. ROBINSON. Thank you so much.

Mr. GOWDY. Thank the gentleman from Tennessee. The Chair would now recognize the gentleman from Utah, Mr. Chaffetz.

Mr. CHAFFETZ. Thank you. Thank you for being here. I want to touch on a couple different topics. Talk about the DNA initiative. Can you give me a sense of where the backlog is nationwide?

Ms. ROBINSON. Of course.

Mr. CHAFFETZ. Is it getting worse, is it getting better? Where is it at?

Ms. ROBINSON. No, that is a very good question. I think it is helpful to think about the backlog as something with both a kind of front door and back door. We know that with the assistance of money that Congress has provided through the National Institute of Justice, we have been able to help States and localities build their capacity by about threefold over recent years, but at the same time new businesses come in the front door, and in many ways that is because criminal justice professionals have realized how helpful DNA is in solving cases, and it is not just in the traditionally violent crime cases.

Mr. CHAFFETZ. Well, what degree of confidence do you have that these grants are actually being used for this? We have reports out of southern California in particular where this grant money was not being used to actually work on the DNA backlog. So what kind of oversight, what sort of assurance do you have that this money is actually going for its intended purpose?

Ms. ROBINSON. We actually do have in many instances—may I ask what the specifics were about that?

Mr. CHAFFETZ. Sure, I will be happy to give you the news reports out of southern California, Los Angeles County in particular, where the backlog has become so untenable and so big, they literally had trailers with refrigerators, just throwing them in there, and the money was not actually being used for this. I just want to make sure that DOJ is aware of this and that they are actually pursuing

and making sure that the grant money actually goes for the intended purpose.

Ms. ROBINSON. Yes, well, I am aware of the fact that some of the backlog in L.A. was in the police department as opposed to actually in the DNA lab where funding had gone, but we are happy to work with your staff on that.

Mr. CHAFFETZ. The question is, how do you follow up and make sure that this money is actually being used for these intended purposes?

Ms. ROBINSON. We do monitoring on all of these grants. We actually do desk audits on all of our grant funding.

Mr. CHAFFETZ. If you have such—do you have—okay, I would like—if you have an audit on all of these, I would like a copy of that, please.

Ms. ROBINSON. Yes.

Mr. CHAFFETZ. Is that something you could provide me? How long? When will I get that?

Ms. ROBINSON. We can get that to you within the next week to 10 days.

Mr. CHAFFETZ. We will give you 14 days.

Ms. ROBINSON. Maureen Henneberg.

Mr. CHAFFETZ. We will give you 14 days. That sounds good.

I need to move quickly. I want to go to the Southwest Border Prosecution Initiative. This is a program that, as I understand it, was never authorized. However, it received about $326 million. The Department has proposed that this program be eliminated. The funding of this is gone. Why would you eliminate this program?

Ms. ROBINSON. We have been asked by Congress to recommend limited funding, to go down in funding, and this was an area that we had identified as one perhaps not to extend, and the reason was—in looking over the panoply of the 53 programs at OJP—that are in the reimbursement programs. These are not evidence-based programs. They are backward looking reimbursements, and when Mr. Gowdy had raised earlier, "Are these programs that States and localities could fund" we were trying—you know, every program that we have of the 53——

Mr. CHAFFETZ. But, I mean, illegal immigration truly is the fault of the Federal Government, isn't that correct?

Ms. ROBINSON. Yes, it is. Well——

Mr. CHAFFETZ. I mean, the States are having to live with the consequences of the Federal Government not doing its job. We have not secured the border. I guess one of my concerns is, if you look at that and then you also look at the State criminal assistance, alien assistance program——

Ms. ROBINSON. Right.

Mr. CHAFFETZ. This went from—went into law in 1995, is authorized to receive $4.4 billion, yet the Administration is only requesting $136 million in fiscal year 2012. That is down from $950 million through 2011. So the question is prioritization from the Administration as to why we are severely looking at the assistance to the States that deal with the problem that was really created in the responsibility of the Federal Government.

Ms. ROBINSON. You raise a good point. It is really a question of available dollars.

Mr. CHAFFETZ. But why has the Administration not put this as a priority?

Ms. ROBINSON. It is really a question of available dollars.

Mr. CHAFFETZ. So you have a choice as to whether or not to reimburse these States, help the locals with dealing with the criminal alien population, and the Administration is making a very concerted effort to diminish those funds, put them down to a point where they are starting to approach zero, and that is one of my concerns, and I would love to learn more as to why you don't think that is a priority.

Yield back the balance of my time.

Mr. GOWDY. Thank the gentleman from Utah. The Chair would now recognize the gentleman from Puerto Rico, Mr. Pierluisi.

Mr. PIERLUISI. Thank you, Chairman. Welcome, Ms. Robinson.

Ms. ROBINSON. Thank you.

Mr. PIERLUISI. The first thing I will say, and I will be brief about this, and not because it doesn't deserve more time, is that I should commend you because I know that you have had two stints at DOJ, and something happened in between which caused the ire of the Inspector General, and ever since you came back, now you are getting the praise of the Inspector General, and I get the sense that it has to do with the fact that you can even take pride of authorship or ownership of some of these programs, and it must have been pretty disappointing for you to see that these programs were being criticized and that could be endangered as a result of bad management practices. So I like, and I like what I hear, that now you are being praised for having better internal controls, and so on, like we should.

Now, at times in this hearing it sounded like philosophical and, you know, why should the Federal Government get involved in this area and so on? Well, putting aside the law enforcement components of DOJ, FBI, DEA, and so on, in my view in this area the role of the Federal Government should be to be the promoter and supporter of best practices throughout America in the law enforcement area. It is as simple as that. This is one Nation, and when you identify best practices, you should be promoting States and local enforcement agencies to pursue them. It makes sense.

Then technical support. That is key. And that is another fair area. It is fair game for the Federal Government to get involved in that. Now it troubles me that—I know we are going through fiscal constraints at the Federal level and at the local level, but, wow, what I have seen is a 25 percent cut in your programs in the last year.

Ms. ROBINSON. Yes.

Mr. PIERLUISI. That is a huge cut. So I am concerned. When you face a cut so dramatic, the first thing that comes to my mind is priorities, and that is the first question I have for you. I mean, what are the areas of most need in your mind? What are your priorities in using the scarce resources you are being given?

Ms. ROBINSON. Thank you so much for the question. The areas I see as the greatest priority are what I would call the evidence-based programs and areas like juvenile justice, areas like the law enforcement programs. I was just at the International Association of Chiefs of Police meeting in Chicago last week. Five thousand po-

lice chiefs from around the country. So many of them coming there, of course, on their own dime because their jurisdictions cannot pay for it, talking about the challenges they are facing in their local jurisdictions dealing with issues like gangs, like youth violence, like drugs, and having to do it with limited budgets, with sophisticated crime that crosses jurisdictions, and gangs that are dealing with very sophisticated technology in many instances, and they are doing it again on tightened budgets, and what they need from us, certainly grant money, but also know-how. They need smart-on-crime approaches. This is what they can't get in their local jurisdictions. So technical assistance, training, training on things like the ICAC task forces, you know, the Internet Crimes Against Children task forces, things like how to deal with a crime scene, things like how to deal with cold cases, and in the juvenile area. Mr. Scott referred to our conference on juvenile justice that we had. Again, we had juvenile justice professionals from around the country who came, paying their own way to get there because there was an opportunity to learn about how to deal with kids, whether it was in the mentoring area or on child protection. This is so important, to have Federal leadership.

And Mr. Gowdy, in a way, this is what this is about, the Federal leadership, the appropriate Federal roles, this is what the program is really about, the appropriate Federal roles, what is it the Federal Government can add that is really the add-on that the States and localities can't or are unable to do. Building knowledge, spreading knowledge. The technical assistance and training. Certainly, the data collection. No one State or locality is going to collect national data. Those are the kinds of things. And then spreading that knowledge, and the kind of thing that I described with the DNA. Those advancements, the bulletproof vests invented and developed by LEAA, our predecessor agency. Those are the kinds of things that grow out of programs like this, the reentry work, reentry really invented out of OJP, that concept, that concept and the work that we are doing to spread it.

So those are the things. So you start with that core and build out from that. Those are the things. It is about leadership.

Mr. PIERLUISI. Mr. Chairman, could I get just 1 minute? It is just to make a comment and see what reaction Ms. Robinson gives me.

Mr. GOWDY. Without objection.

Mr. PIERLUISI. Thank you so much. The last I heard you were being criticized because apparently in coming up with proposals for areas in which there could be cuts, it appears that there is going to be a significant cut in immigration, in supporting local and—State and local law enforcement agencies in the area of immigration. But then the first thing that comes to my mind isn't a Federal responsibility to take care of our borders and to enforce our immigration laws? Shouldn't that be an area in which we are not really promoting State and local law enforcement agencies to do what we should be doing ourselves at the Federal level? Isn't that part of the reason why, in setting your priorities, you said, well, this is really our burden, so let's stop spending money for that purpose, to have the local law enforcement community assume it.

Ms. ROBINSON. No, you raised a very good point.

Mr. PIERLUISI. But you don't want to comment further?

Ms. ROBINSON. Well, I think that it is a very good point. I think that the way the program is structured makes it a difficult one to administer in many ways, but that is probably a longer conversation.

Mr. PIERLUISI. I hear you. By the way, you are cordially invited to visit Puerto Rico. I got envious when I heard that Congressman Cohen has had you over there, so please come see us.

Ms. ROBINSON. Thank you.

Mr. GOWDY. Thank the gentleman from Puerto Rico.

Ms. Robinson, on behalf of all of us, we want to thank you for your testimony today. Without objection, all Members will have 5 legislative days to submit to the Chair additional written questions for the witness, which we will forward and ask the witness to respond to as promptly as she can so the answers may be made part of the record. Without objection, all Members will have 5 legislative days to submit any additional materials for inclusion of the record.

With that, on behalf of all of us, we thank you for your presence and your testimony. The hearing is adjourned.

Ms. ROBINSON. Thank you.

[Whereupon, at 11:15 a.m., the Subcommittee was adjourned.]

APPENDIX

Material Submitted for the Hearing Record

Questions for the Record for
Laurie O. Robinson
Assistant Attorney General
Office of Justice Programs
U.S. Department of Justice

Subcommittee on Crime, Terrorism, and Homeland Security
Committee on the Judiciary
U.S. House of Representatives

November 2, 2011

Questions from Congressman Ted Poe

1. There is $6.5 - $7 billion in the Crime Victims Fund yet the cap has remained at the same level for three years at $750 million. Do you support increasing the cap?

During Fiscal Year (FY) 2011, deposits in the Crime Victims Fund (CVF) totaled over $1.9 billion and the current CVF balance is well over $6 billion. Because of the robust collections by the Department of Justice in recent years, it is possible to raise the obligation cap for the CVF without threatening its future stability. In FY 2009, the cap was $635 million, and in FYs 2010 and 2011, the cap was $705 million, with $50 million in the anti-terrorism emergency reserve fund (above the cap).

In 2009, OJP's Office for Victims of Crime (OVC) initiated a series of quarterly meetings with a rotating group of Victims of Crime Act (VOCA) state administrators. Many VOCA administrators reported that, while they appreciate the stable federal funding for victim services and compensation, both state and private sources of funding for crime victim support have been severely reduced. They expressed their interest and willingness to fund services to new or underserved kinds of crime victims, such as victims of human trafficking, child victims of pornography, and victims of elder abuse and financial fraud. They also indicated an interest in expanding the types of assistance available to all victims, such as legal assistance.

Congressional committees and some individual Members of Congress have also shown interest in expanding the reach of victim services in this country. For example, the conference report accompanying H.R. 2112, the Consolidated and Further Continuing Appropriations Act, 2012, contains language encouraging the use of available VOCA formula funding to provide services supporting enforcement of victims' rights. It directs OJP and OVC to consult with the VOCA administrators to determine how victim assistance formula funds may be used to support enforcement services and to submit a report to the conference committee within 60 days of notifying the states of their VOCA victim assistance formula allocation for FY 2012. The Department has also received Congressional correspondence emphasizing the need for more support for victims of elder abuse, victims of human trafficking, and for improved legal assistance for crime victims.

In addition, OVC has launched a broad initiative -- *VISION 21: Transforming Victim Services* -- to expand the vision and effectiveness of the crime victim services field. Initial *VISION 21* findings support the need to expand the reach of services to more victims and the type of assistance available to them. In FY 2013, the President's Budget requests an increase of $365 million for the Crime Victims Fund (CVF), increasing the obligation cap to $1.07 billion. The increase in the obligation cap will: support programs to assist victims of violence against women, including grants to support domestic violence shelters and rape crisis shelters; provide transitional housing assistance and other needed services to victims of domestic violence, sexual assault, and stalking; support programs to assist children exposed to violence, missing and exploited children, and victims of trafficking; provide funding to further the implementation of the Adam Walsh Act; and funding to support DNA and related activities.

2. The VISION 21 Program under the Office for Victims of Crime meant to improve the future of victim services has been under way since last year. What is the status of the program, and are there any insights you have gathered thus far that you would like to share?

Over the past year, four *VISION 21* projects focusing on broad topic areas gathered information through literature reviews and national stakeholder forums, involving diverse groups of representatives from the federal, state, local, and tribal levels. Those projects have concluded and a fifth project is currently under way to analyze and synthesize the information gathered through those efforts into a final report. OVC plans to release this report in the late spring of 2012. The Department will provide the report to the Committee as soon as it becomes available.

While the *VISION 21* topic areas covered a diverse set of issues, several overarching themes emerged regarding the future of victim services. Initial *VISION 21* findings indicate a number of critical needs in the victim services field that cut across all victimization types and victim populations. Some of these needs include:

- Increasing data collection and scientific research on victimization issues;
- Rigorous evaluation of services and programs to identify what works and what does not;
- Increasing capacity to provide evidence-based services to all victims of crime, as well as effective strategies to identify and reach particular unserved and underserved victims;
- Developing a more comprehensive, holistic service model, broadening our definition of who is a victim (to include individuals such as children who are being prostituted on the streets of America) and support for innovative assistance that helps victims establish a "new normal" in their lives;
- Support for comprehensive, wraparound legal assistance for victims, which addresses the range of legal assistance needs victims have as a result of their victimization; and

- Increasing flexibility for victims' services funding to allow service providers to more effectively and efficiently reach and serve victims, such as using innovative technology at the local, tribal, state, national, and international levels.

The final report will present a comprehensive framework for fostering strategic change in the victim services field. It will also include a proposed blueprint for demonstration projects to implement key findings. OJP anticipates that the *VISION 21* report will provide the Department of Justice and the crime victims field with a strategic direction in developing specific and comprehensive programs to address victimization in the 21st century.

3. We have made a lot of progress over the years in the victim services field. Do you believe we need more research in the field in order to provide useful, efficient, and cost effective services?

The crime victim services field's ability to address all victims of crime can be greatly enhanced by research and statistical information about how people are victimized, including:

- The commercial sexual exploitation of children through trafficking and child pornography;
- The impact of financial fraud on vulnerable populations such as elderly citizens;
- The effectiveness of specific interventions and service provision models including trauma-informed care; and
- Evaluation and research related to tribal victims.

4. The National Institutes of Justice's website describes backlogs of forensic DNA evidence as "NIJ defines a backlogged case as one that has not been tested 30 days after it has been submitted to the laboratory". It is no secret that there is a severe problem with rape kits backlogs in precincts across the country. Do you believe that this narrow definition needs to be updated in order to take into account the innumerable rape kits that remain untested in the custody of law enforcement?

The NIJ definition of backlogs is designed as a measure of timeliness specifically for forensic evidence that has been submitted to a crime laboratory for analysis. It does not include forensic evidence in law enforcement custody that has not been submitted to a crime laboratory for testing. Untested sexual assault kits (SAKs), previously referred to as rape kits, can be stored in a number of places: police department evidence rooms, crime labs, hospitals, clinics, or rape-crisis centers. It is unknown how many unanalyzed SAKs there are nationwide. There are many reasons for this, but one of the primary reasons is that tracking and counting SAKs is an antiquated process in many U.S. jurisdictions. A recent NIJ study found that more than four in 10 of the nation's law enforcement agencies – specifically, 43 percent – do not have a computerized system for tracking forensic evidence, either in their inventory or after it is sent to the crime lab.

There may be legitimate reasons that SAKs are not sent to a lab. Not all evidence collected in an alleged sexual assault is going to be probative. In cases where "consent" is an issue, that is, the suspect admits sexual contact, but maintains it was consensual), detectives may consider that the SAK does not add any important information to the investigation. Also, evidence may not be sent to a lab for analysis if charges against the alleged perpetrator have been dropped or the suspect has pled guilty.

NIJ has invested funds in a comprehensive study of the outcomes of the testing of over 10,000 previously untested SAKs in Los Angeles and is assisting the New Orleans Police Department in dealing with their untested SAK issues. NIJ is currently studying the SAK backlogs and untested sexual assault evidence that has not been sent to a crime lab for testing in Detroit, Michigan and Houston, Texas. The purpose of this project is to help the nation move beyond the DNA backlog "crisis management" of the moment — to the adoption of systematic practices, procedures and protocols that will prevent the SAK backlog situation from ever happening again.

5. Over the past six years, Congress has appropriated $700 million to reduce the rape kit backlog across the country thru the Debbie Smith Act. The minimum of 40% of these funds are going directly to the reduction of this backlog. Knowing of the severe problem, how can OJP justify spending this money on purposes other than directly reducing the backlog? Does OJP plan on spending more money on the reduction of the backlog in the future?

NIJ's principal forensics-related appropriations in FY 2012, the Consolidated and Further Continuing Appropriations Act, 2012 states "$117,000,000 for a DNA analysis and capacity enhancement program and for other local, State, and Federal forensic activities, including the purposes authorized under section 2 of the DNA Analysis Backlog Elimination Act of 2000 (the Debbie Smith DNA Backlog Grant Program)." Previous years' appropriations (referred to hereafter as the "DNA and other forensics" appropriations) had similar language.

In FY 2011, NIJ awarded $88.7 million in funding directly to states and units of local government for DNA backlog reduction purposes. These funds, awarded under the DNA Backlog Reduction program, accounted for over 70% of all funds received by NIJ from the FY 2011 "DNA and other forensics" appropriation. The remaining funds were used to support basic and applied research to find faster and more efficient methods for analyzing DNA and other forensic evidence; assist with solving cold cases with DNA; perform social science research (e.g., to identify best practices for addressing untested sexual assault kits); and provide training and technical assistance in the areas of DNA and other forensic sciences. Building capacity within crime laboratories, training the appropriate personnel, solving cases that have been "cold" for many years, and developing new and cutting edge methods to analyze evidence all help reduce the backlog of DNA and forensic evidence, albeit indirectly.

Although the FY 2012 appropriation for DNA and other forensics is significantly lower than FY 2011, NIJ currently plans to award a similar percentage of funds for DNA backlog reduction in FY 2012 as it has in previous years.

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