

STATEMENT OF JOHN SCHMIDT

"Helping State and Local Law Enforcement During an Economic Downturn" Senate Judiciary Committee, January 8, 2009

My name is John Schmidt. I am now a partner in the Chicago-based law firm of Mayer Brown LLP. From 1994 to 1997 I served as the Associate Attorney General at the Justice Department and one of my responsibilities was the implementation of all aspects of the 1994 Federal Crime Bill.

A major focus of that Bill was the creation of the COPS Program to put 100,000 added police officers into communities across the country. I worked closely with local police and other public officials, and with organizations such as the Federation of Police, the International Association of Chiefs of Police and the U.S. Conference of Mayors, to move as quickly as possible to put that federal funding to work to add officers to the ranks of state and local police departments.

The COPS Program demonstrated both how effective federal assistance can be and how quickly its impact can be felt if federal and local authorities work together to make that happen. For example, even before the President had signed the 1994 Act, I had a meeting with a delegation from the U.S. Conference of Mayors in which we agreed that if they would tell us then how many officers they were prepared to begin hiring and training, we would tell them immediately what minimum level of funding they could be assured of receiving. As a result we had new officers through the hiring process and into training academies across the country within a matter of a weeks.

Local officials will respond with a similar sense of urgency to federal assistance today because, if anything, the need is even greater. In 1994 we faced a situation in which the level of criminal violence in communities across the U.S. was intolerable and we needed to expand police forces substantially so that they could work with communities to bring that violence under control. Over the rest of the 1990s, that expansion of forces continued, and by the end of the decade the number of sworn officers in the U.S. had increased by over 100,000, most of them funded through the COPS Program. Levels of violence across the country had also declined dramatically.

After the change in Administration in 2001, federal funding for hiring additional officers largely disappeared. Fortunately the state of the economy was such that communities were overwhelmingly able to maintain their police forces at the new higher force level that had been achieved. The events of 9/11, however, imposed major new burdens on state and local law enforcement, including the need to participate in joint anti-terrorist efforts with the FBI and other federal authorities, to conduct pro-active security patrols at potential target facilities, and to respond aggressively to threats of any kind that emerged. As a result of these added burdens, and the normal growth of population and economic activity, even with forces maintained at the higher levels achieved in the 1990s, law enforcement came into the current time of economic crisis with its resources strained.

We are now experiencing across the country a real decline in the size of state and local police forces. This has been brought about by severe reductions in public revenues in virtually every state and locality.

Communities reduce the size of their police forces first by not filling vacancies and then, as an ultimate step, by the layoffs of existing officers. They take either of these steps only as a last resort--but that is the condition many communities are in today.

My home city of Chicago is a good example. The Mayor very reluctantly presented, and in December the City Council very reluctantly passed, a 2009 budget that is balanced only by slowing down the filling of vacancies in the Police Department. The total number of vacancies by year end was something over 400, and there will be added vacancies during the coming year, but the budget allows for filling only 200 vacancies. The result is a reduction in the size of the police force--at a time when crime rates in Chicago, as in many other cities, are going up.

Chicago's situation is by no means the most dire. In Michigan, hard-hit cities like Pontiac have been forced to reduce the size of their police force by more than 50%--and are experiencing a major wave of increased crime. Cities in Ohio are now going beyond simply not filling vacancies to actual layoffs of police officers. The problem is not at all geographically limited. The City of Sacramento, California recently announced that it had managed to come up with funding to fill 11 vacancies on its police force--but the total number of vacancies was 98, representing over 10% of the total force.

Based on pervasive accounts of widespread unfilled vacancies, and in some cases outright layoffs, there is no doubt that the nationwide reduction in the total number of officers is in the tens of thousands. The real number may be even higher--and it is growing every day.

Those reduced police forces will mean increased crime and violence in communities across the U.S. That would be true even in a time of prosperity. It is even more true as the same economic forces that dramatically reduce revenues for states and cities produce higher levels of desperation for individuals and families, greater social disintegration, and increased temptation for crimes of economic gain.

The impact will be felt most severely in communities, or neighborhoods within them, that have recently escaped from a period of severe violence and now are most vulnerable to slipping back if police become less visible and pro-active, citizens lose confidence in their security, and gangs and other criminal elements take advantage of that deteriorating situation. Increasing crime rates will make economic recovery in those affected areas even more difficult.

Federal aid to enable state and local police forces to fill vacancies, avoid imminent layoffs or hire back previously laid-off officers could make an immediate and substantial difference in this frightening scenario. Some particular elements of the COPS program of the 1990s do not fit the current environment. For example, the COPS program provided for maximum grants of \$30,000 per year, representing no more than 80% of the total salary of an officer. Even in 1994 those limits were substantially below the real cost of officers in many communities, but the general economic strength allowed local communities to pick up the difference. Today those local economic resources are not available and I believe a current emergency program should be structured without that limit and without the required local share of funding.

The 3-year limit used for COPS grants may continue to make sense in the current circumstances. That limit means that communities would have to hire today, with federal funding, on the assumption that by the end of 3 years they will be able to pick up the ongoing cost of the new hires. In areas other than law enforcement, communities might well hesitate to make that commitment, but the urgency of law enforcement, and the consequences of reduced police forces, are such that I believe affected communities will respond positively to a federal program with a 3-year limit.

The average salary of a new police officer nationwide is between \$45,000 and \$50,000 a year. Using the \$50,000 average figure, an emergency federal program could provide funding for 15,000 officers at a

total cost of \$750 million over each of the next three years--a total cost of \$2.25 billion. A program of that size would make a meaningful difference in communities across the country.

Apart from its benefit in community safety, such a program has obvious value in terms of economic stimulus. All of the funding goes directly to pay the salaries of officers hired to work in police departments across the country. Those new hires will begin earning (and spending) as soon as they get through the hiring process and begin their training at police academies--within just a matter of weeks if the program follows the pattern of what was done in 1994. Thus, the positive economic impact will be felt even before the public safety benefits.

While these numbers are not large in relation to the size of the overall economic stimulus now being discussed, it is hard to think of anything that will put money directly and faster into more communities than federal funding for the hiring of police officers.

I strongly urge Congress to enact an emergency program of police hiring to minimize the substantial reductions in police force size that are now occurring nationwide on an accelerating basis. Such a program would make a measurable contribution to preserving, through a time of difficult economic circumstances and into a period of recovery, the hard-won gains achieved by police and citizens across the country in reducing crime and violence in our communities.