

Testimony of  
**Mr. David Muhlhausen**

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Mr. Chairman, my name is David Muhlhausen. I am a policy analyst at the Heritage Foundation specializing in crime policy and program evaluation. In beginning my testimony I must emphasize that the views I express are entirely my own, and should not be construed as representing any official position of The Heritage Foundation. With that understanding, I am honored to be asked by the Subcommittee on Crime and Drugs, to testify today on assessing the needs of local law enforcement for homeland defense.

The September 11 terrorist attacks on the World Trade Center and the Pentagon reshaped federal priorities to efforts that strengthen the government's ability to protect Americans from terrorism. To improve anti-terrorism programs, the Administration and Congress first should shift dollars away from wasteful, unproven, or demonstrably ineffective programs.

Second, Congress should recognize many crime programs deal with problems or functions that lie within the expertise, the jurisdiction, and the constitutional responsibilities of state and local governments. Therefore, these problems should be addressed by state and local officials.

#### THE BUSH ADMINISTRATION BUDGET PROPOSAL

For fiscal year 2003, the Bush Administration has proposed three major changes to the federal governments funding for state and local law enforcement. First, the Administration plans to eliminate Community Oriented Policing Services (COPS) grants for the hiring of additional police officers. This proposal is a good idea. Even with the best of intentions, COPS has not been a successful program when its performance has been measured by rigorous standards of social science research. COPS was intended to reduce crime by putting 100,000 additional officers on America's streets. Research by The Heritage Foundation, U.S. Department of Justice, and the General Accounting Office have all found that COPS failed to come close the 100,000 additional officer goal. Despite funding of \$8 billion between fiscal years 1994 to 2000, a 2000 report titled National Evaluation of the COPS Program, by the DOJ, estimates that the number of officers that COPS placed on the streets would, at most, peak at around 57,000 by 2001.

The Heritage Foundation Center for Data Analysis conducted an independent analysis of the effectiveness of the COPS program in 2001. After accounting for state and local law enforcement expenditures and other socioeconomic factors on a yearly basis, the analysis found that COPS grants for the hiring of additional police officers as well as grants for redeployment--the Making Officer Redeployment Effective (MORE) grants--have no statistically significant effect on reducing the rates of violent crime.

The Administration's second proposal intends to consolidate Local Law Enforcement Block Grants (LLEBG) and Byrne formula grants into one \$800 million program called the Justice Assistance Grants (JAG). In the past, these programs have duplicated each other. According to the Office of Management and Budget, there is virtually no evidence that these grants have been effective in reducing crime and they lack adequate measures of performance. The Administration aims to implement the JAG program with a greater emphasis on measuring performance. The consolidation of these duplicative grants and the plan to measure performance are also sound

public policies.

A third proposal from the Administration is a request for \$3.5 billion for the Federal Emergency Management Agency (FEMA) to improve the preparedness of state and local first responders (police, firemen, and other emergency personnel) to respond to terrorism. These grants would fund programs that make responses to terrorist acts of mass destruction more efficient and coordinated. The funds will be used to improve communication, training, and technology. Many members of the law enforcement community are concerned that FEMA normally responds only after a destructive act has occurred. Currently, FEMA is not an agency well suited to provide federal assistance to law enforcement for protecting against terrorism. Funding for law enforcement needs to be proactive, as well as reactive. Not only will law enforcement be called upon to respond to terrorist acts, but the police are also expected to uncover and stop terrorist plots. As Sheriff John Cary Bittick, President of the National Sheriffs' Association recently testified before the U.S. House of Representative Committee on the Judiciary, Subcommittee on Crime, "We will never ask nor can we expect our Fire, EMS, or Health personnel to face gunfire, explosives, or other deadly assaults. That is the job of police and sheriffs, and it is ours alone." This is a sound observation. It is the responsibility of law enforcement to detect, prevent, and respond to terrorism. For this reason, Congress should set aside a portion of the \$3.5 billion in FEMA grants to help state and local law enforcement acquire the necessary skills and tools to prevent and respond to terrorism. The Department of Justice (DOJ) should administer these grants for multiple purposes. Funding could be used to help local law enforcement and the federal government develop a reciprocal relationship to share intelligence on suspected terrorist activities. Training to give local law enforcement the tools to identify and stop terrorist activities could be funded by the grants. In addition, the funding could assist local law enforcement conduct threat assessments and implement strategies to safeguard vulnerable targets. In any case, to enhance the value of every dollar spent on behalf of the taxpayers, the Administration should continue to review and reduce funding for ineffective grant programs, and continue the consolidation of duplicative programs into single grant programs.

#### WHAT CONGRESS SHOULD DO

AS A GENERAL POLICY, CONGRESS SHOULD ALWAYS END FUNDING FOR UNPRODUCTIVE PROGRAMS AND CONSOLIDATE DUPLICATIVE PROGRAMS. WHEN VIEWED FROM THIS POLICY STANDPOINT, THE ADMINISTRATION'S POSITION ON COPS, LLEBG, AND BYRNE GRANTS IS SOUND. HOWEVER, USING FEMA TO ADMINISTER WHAT AMOUNTS TO LAW ENFORCEMENT GRANTS IS NOT. CONGRESS SHOULD SERIOUSLY RECONSIDER THE ADMINISTRATION'S PLAN TO ADMINISTER ANTI-TERRORISM GRANTS TO LAW ENFORCEMENT THROUGH FEMA. GIVEN THE NATION'S CONTINUING SUSCEPTIBILITY TO FUTURE TERRORIST ATTACKS, THE FEDERAL GOVERNMENT HAS THE RESPONSIBILITY TO ASSIST STATE AND LOCAL LAW ENFORCEMENT IN THEIR EFFORTS TO DETECT, PREVENT, AND RESPOND TO TERRORISM. FEMA'S TRADITIONALLY REACTIVE APPROACH TO DISASTERS IS NOT WELL SUITED FOR THE NEEDS OF LAW ENFORCEMENT IN RESPONDING TO PROSPECTIVE TERRORIST THREATS. A FAR BETTER POLICY WOULD BE FOR CONGRESS TO TRANSFER A PORTION OF THE ADMINISTRATION'S FEMA FUNDING REQUEST TO DOJ. CONGRESS SHOULD KEEP IN MIND DURING THESE BUDGET DELIBERATIONS THE IMPORTANCE OF

REVIEWING AND REORIENTING ITS PRIORITIES. ESPECIALLY AFTER POURING BILLIONS OF DOLLARS IN UNPROVEN PROGRAMS THROUGH THE YEARS.

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