

Statement of

# **The Honorable Russ Feingold**

United States Senator  
Wisconsin  
January 8, 2010

Senate Judiciary Committee  
Field Hearing on "Federal Efforts to Address Witness Intimidation at the State and Local Level"  
Friday, January 08, 2010

Statement of U.S. Senator Russell D. Feingold

Providing adequate protection for witnesses in criminal cases is a vital task for law enforcement. Unfortunately, many state and local law enforcement authorities do not have the resources necessary to offer comprehensive witness protection and security, and state and local budget cuts have resulted in further cuts to already limited witness protection and relocation programs. As a result, witness intimidation continues to be a serious problem in cities all over the United States.

In 2007, the city of Milwaukee experienced a particularly tragic witness intimidation case. Maurice Pulley, Jr. was the victim of a violent crime that left him seriously wounded. Before the case against his attacker went to court, Pulley was offered \$75,000 by the suspect's family to keep silent. Pulley decided to do the right thing, refused the bribe, and appeared in court ready to testify against his attacker. The next day, he was gunned down in his parents' driveway during a family barbeque. Maurice Pulley, Jr. was just 24 years old.

The Pulley case is just one heartbreaking example of a widespread problem that is plaguing American cities. We must prioritize witness protection, and the Witness Security and Protection Grant Program Act of 2009 takes an important step toward this objective. The Act provides state and local law enforcement agencies with the federal support they need to implement viable witness protection programs and prevent witness intimidation. The grants provided under this bill will enhance witness security by funding protection programs and encouraging cooperation between witnesses and law enforcement. Witness protection must begin at the street level, and these grants will help both police departments and district attorney's offices. In addition, the bill will provide state and local programs with technical assistance from the U.S. Marshals Service, which has successfully protected witnesses through the Federal Witness Security Program since 1970.

Even relatively small grants can make a big difference for state and local witness protection programs. After Maurice Pulley's death, the Milwaukee County District Attorney's office instituted a pilot witness protection program with just \$50,000 of Byrne Justice Assistance funding. With this small amount of seed money from the federal government and a group of dedicated, creative investigators, District Attorney John Chisholm was able to create an innovative program that focused on responding immediately to any threats or intimidation

reported by witnesses. The DA's office partnered with Marquette University, and started using interns to review hundreds of hours of jail conversations. The DA's office also started providing witnesses with cell phones and relied on other lower-cost interventions that would give witnesses some assurance that law enforcement was doing whatever they could to keep them safe before trial.

The program - which was recently dedicated to Pulley - has helped reduce crime in Milwaukee, and has led to more convictions for crimes related to witness harassment and intimidation. The Milwaukee District Attorney's office is a great example of how state and local governments can accomplish a lot with just a small amount of federal money. But we need to do more. Witness intimidation starts at the scene of a crime, long before a prosecutor is assigned to the case. Without witness cooperation, it is extremely difficult for law enforcement to even investigate cases. Law enforcement needs resources to be able to provide assurances to witnesses that if they come forward and report what they saw, they will be protected.

Witness protection programs like Milwaukee's need further support, and states and counties without programs need the funding to establish them. The federal government should aid these programs at the state and local level as much as possible, and that is what the Witness Security and Protection Grant Program Act is designed to do.

I want to thank Senator Specter for holding this important field hearing, and I look forward to working with him and my other colleagues on the Judiciary Committee to resolve this issue.