

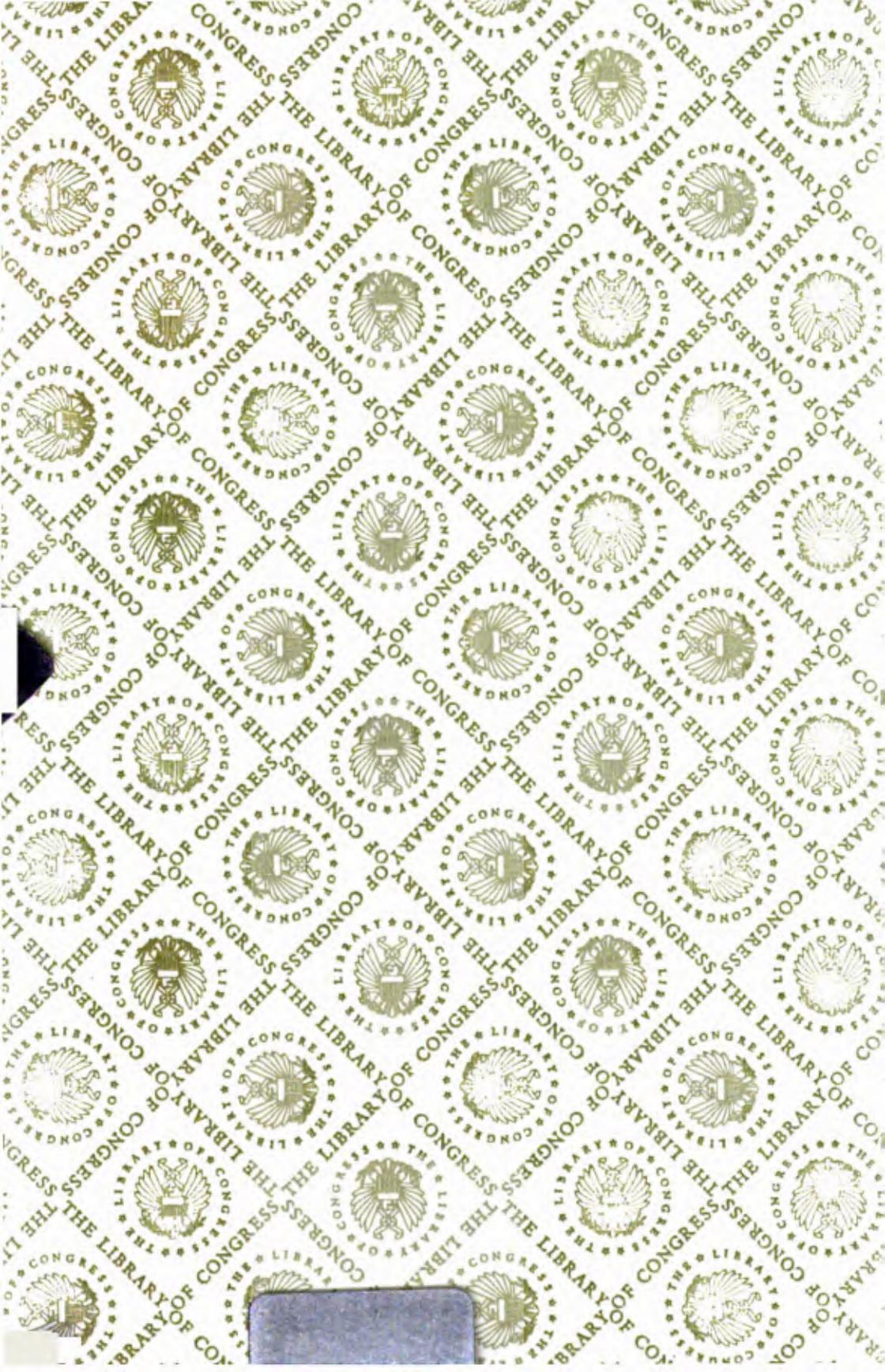
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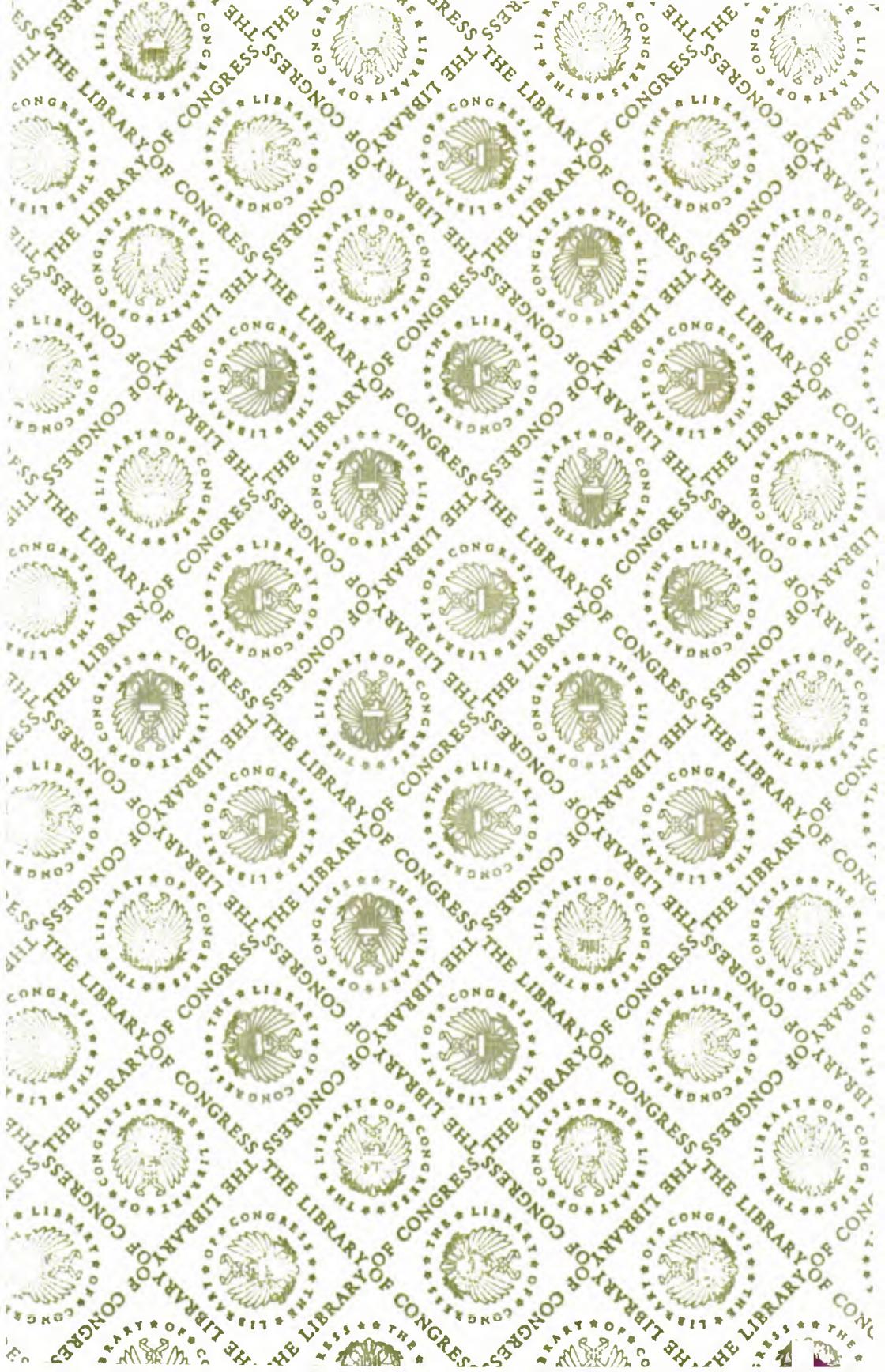
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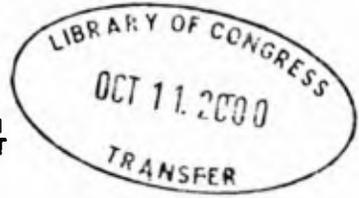
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**OFFICE OF JUSTICE PROGRAMS OF THE UNITED
STATES DEPARTMENT OF JUSTICE**



HEARING
BEFORE THE
SUBCOMMITTEE ON CRIME
OF THE
COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES
ONE HUNDRED SIXTH CONGRESS
FIRST SESSION

JULY 22, 1999

Serial No. 38



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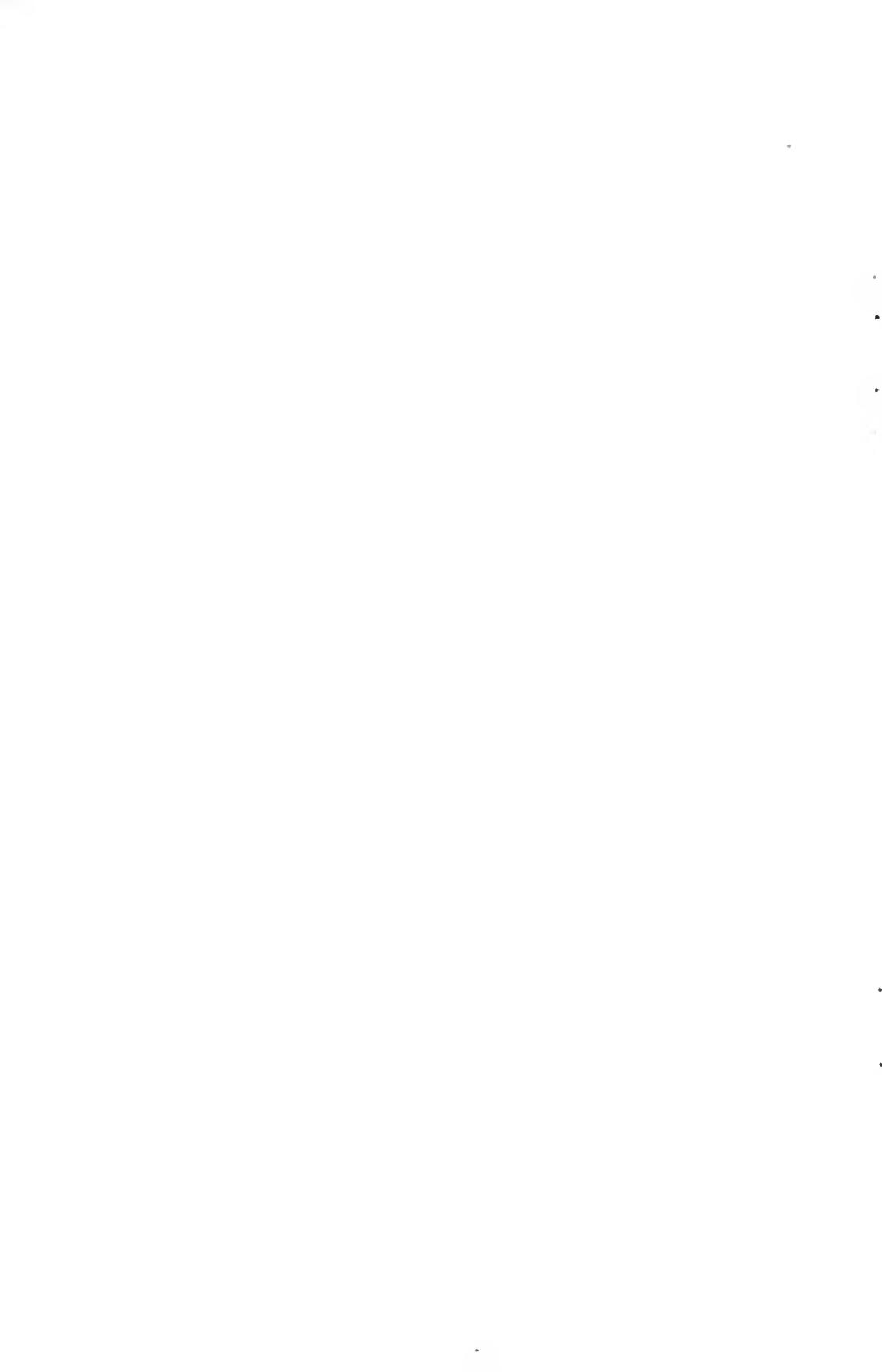
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OFFICE OF JUSTICE PROGRAMS OF THE UNITED STATES DEPARTMENT OF JUSTICE

THURSDAY, JULY 22, 1999

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CRIME,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The subcommittee met, pursuant to notice, at 9:45 a.m., in Room 2237, Rayburn House Office Building, Hon. Bill McCollum [chairman of the subcommittee] presiding.

Present: Representatives Bill McCollum, Bob Barr, Sherwood Boehlert, and Robert C. Scott.

Staff present: Daniel J. Bryant, Chief Counsel, Bobby Vassar, Minority Counsel, and Veronica Eligan, Staff Assistant.

OPENING STATEMENT OF CHAIRMAN McCOLLUM

Mr. McCOLLUM. The subcommittee will come to order.

This morning's hearing of the Subcommittee on Crime provides us with an important opportunity to examine how the Federal Government supports State and local crime-fighting efforts. The partnership between the Federal Government and State and local law enforcement goes back for many decades. It is a partnership that has necessarily evolved and changed in response to an ever-changing face of time. Over the course of this century, the crime problem in America has become more complicated and more nationalized. Bootleggers, gangsters and the mafia, and more recently, drug-trafficking organizations have all contributed to that trend.

Through the years, we have responded in two basic ways:

First, we have developed a Federal criminal code on National Interstate Offenses, which we have established to fight these crimes. And second, the Federal Government has sought to strengthen the hand of State and local law enforcement. Notwithstanding the growth of national-scope crimes and corresponding needs for increased Federal jurisdiction, the front lines in the effort to crime remain at the State and local level.

And so Congress, for decades, has provided resources to agencies and organizations that focus on crime fighting and prevention at the local level. These resources are quite limited when compared to the total amount that State and local law enforcement spend. Yet these resources are strategically directed with the aim of providing a catalyst to local efforts, which brings us to today's focus, the Office of Justice Programs, the U.S. Department of Justice.

OJP is the Federal agency with the primary responsibility for providing Federal assistance to State and local law enforcement.

OJP has been one of the fastest growing Federal agencies this decade, with its resources for State and local law enforcement and for crime prevention more than quadrupling and reaching a funding level close to \$4 billion. It seems that with each new Congress, Democrat or Republican, OJP has been assigned new program areas: Weed and Seed, Truth in Sentencing, Drug Courts and Violence Against Women are just a few of the more recent programs it administers.

In the eyes of many, OJP is like the old house that has had so many additions to it through the years that the original structure is no longer discernable. And in the eyes of some, it faces many of the same problems as the old rambling house: inefficiencies, redundancies and the problems associated with excessive decentralization.

It was with these concerns in mind that the conferees to the 1999 Department of Justice Appropriations Act directed that the Assistant Attorney General of OJP develop a plan to reorganize OJP. In calling for a new organizational plan, Congress specifically directed the Assistant Attorney General to consider consolidating and streamlining Agency activities in order to enhance OJP's stewardship of resources intended to support State and local criminal and juvenile justice activities.

The proposed reorganization plan for OJP was submitted to Congress 4 months ago. The Assistant Attorney General who oversaw the development of this plan, Laurie Robinson, will be our first witness today, and I am very much looking forward to her testimony.

I do want to acknowledge at the outset, however, that management principles are not the only consideration when we examine Federal support of State and local law enforcement. OJP has become by design, I believe, the place for an ongoing debate among different, often contradictory, viewpoints about crime control and prevention. It is also one of the principle forums for hearing from the field, from practitioners, from the experts, about what works and why, when it comes to crime fighting. As such, it is crucial that bureaus of OJP be as close as possible to those that they are serving, in order to ensure that Federal assistance is responsive.

I am sure that everyone joining us today at this hearing believes that OJP can be better organized. Any agency that has seen the extraordinary rate of growth that OJP has seen will necessarily have organizational bumps in the road that need to be ironed out.

The challenge, the focus of today's hearing, is to ensure that the Agency can effectively and efficiently carry out its mission, while remembering that its mission is to support State and local law enforcement and to be responsive to the needs of those on the front line fighting crime.

And I look forward, as I always do, particularly today, to hearing from our witnesses, and I am pleased to recognize Mr. Scott for any opening remarks he may have.

Mr. SCOTT. Thank you, Mr. Chairman. I am pleased to join you in convening this oversight hearing on the Office of Justice Programs, OJP, of the State Department of Justice.

We are all aware of the important role that OJP plays in administering some 50 grant programs for the benefit of State and local law enforcement, juvenile justice and victims programs, and par-

ticularly for providing research evaluation and technical assistance for these programs.

OJP's organizational structure is unique. As you have indicated, it has developed over the years as a direct response to congressional funding mandates. As it presently exists, OJP consists of five bureaus, each headed by a presidentially appointed director or administrator, as well as six program offices and six administrative offices. The substantive functions of the OJP bureaus are vested by law in their directors rather than the Attorney General or the OJP Assistant Attorney General. These statutes have provided that the directors have final authority over all grants, cooperative agreements and contract awards by their respective agencies.

As a result, OJP operates, to a large degree, as a network of independent agencies which share a common infrastructure. Funding for OJP programs exceeded \$3.4 billion for 1999, up from \$1.1 billion in 1995. As a result of complaints by law enforcement groups, research groups and other grant recipients regarding the complexities and difficulties of negotiating the maze of grant research and technical assistance programs under OJP, Congress directed OJP and DOJ to develop a proposal for reorganization which would clarify and streamline its operations.

On March 10, 1999, Department of Justice responded with a report which proposes changes to the present OJP structure in an effort to accomplish these objectives. It does so by various means, such as focusing authority in the Assistant Attorney General for OJP through the elimination of presidentially appointed bureau chiefs, consolidating some program offices, and eliminating some bureaus, and consolidating all research within the National Institute of Justice.

This oversight hearing provides us with the opportunity to examine the proposed reorganizational structure through the testimony of representatives of a number of the constituency groups affected by OJP operations. I expect some representatives to express support for the proposal or parts of the proposal, and I expect others to express criticism of the proposal or parts of the proposal.

I look forward to hearing all of the views on the merits of the proposal. Certainly, our goal is to ensure that OJP operates efficiently, without sacrificing the quality of its programs and the services in such critical areas as Juvenile Justice, Violence Against Women, Victims Assistance, research and technical assistance. Therefore, it is my hope that this hearing will provide us with information needed to assure simplicity and efficiency in OJP's operations and the quality of its products and services.

Thank you, Mr. Chairman.

Mr. MCCOLLUM. Thank you very much, Mr. Scott.

We are joined today by Congressman Sherwood Boehlert, who is not a member of our committee, but I believe wishes to make a couple of opening brief remarks.

Mr. BOEHLERT. Thank you very much, Mr. Chairman. I really appreciate the opportunity to sit in today and to hear from and talk with Assistant Attorney General Robinson. Normally I wouldn't think of imposing on another committee, but this is a subject I am deeply interested in. And as you know, that interest is one that you

and I share, ensuring that the Department of Justice has strong technology programs.

This started, I must confess, as a parochial interest in my case. I have a National Law Enforcement and Corrections Technology Center in my congressional district located on the campus of the former Griffiths Air Force Base in Rome, New York, and I have seen firsthand how useful such centers can be. For example, the Center has provided invaluable assistance in helping my hometown of Utica, New York, crackdown on the arson problem.

In Utica, they had an arson rate three times the national average. The community was literally burning before our eyes, and the people at the NIJ Center, working the Rome laboratory people, came in and provided some invaluable assistance. The Federal Emergency Management Agency has designated Utica one of the target cities pilot program, and it has the best track record in America of improving its arson rate, and that is magnificent.

Now my interest has grown well beyond the borders of my congressional district, and I have drafted a bill that I hope to introduce shortly that will bring together NIJ's technology programs and a new Office of Science and Technology, reporting to the Assistant Attorney General, and it will give those programs a clear congressional mandate and funding authorization. The office, incidentally, would be headed by a career member of the Senior Executive Service.

I think this bill, and I intend to introduce it shortly, will ensure that the Justice Department's technology programs have the stability, the standing and the funding they need to help combat crime across the country. So I thank you very much, Mr. Chairman. I know these hearings are popular, so popular they drew out former dean of the New York Congressional Delegation, my mentor, former Congressman Frank Horton. I am so pleased to see him here.

Thank you for the courtesy, Mr. Chairman.

Mr. McCOLLUM. Thank you very, very much.

Our first witness today is Laurie Robinson, the Assistant Attorney General of the Office of Justice Programs of the United States Department of Justice. And I have, if my staff will help me here, I have Ms. Robinson's introductory comments. I don't see them sitting in front of me, but I know I have them.

I apologize this morning for being late arriving. We were out on the wonderful George Washington Parkway waiting for traffic to line up, queue up—is that the right word?—to go onto Route 395 for a long period of time.

Laurie Robinson was first confirmed by the United States as Assistant Attorney General of the Office of Justice Programs in September 1994. During her tenure as Assistant Attorney General, OJP's budget has grown from \$900 million to nearly \$4 billion. She has implemented various programs designed to create comprehensive community-based crime control efforts, as well as other endeavors too numerous to mention here.

Prior to joining the Justice Department, Ms. Robinson served for 14 years as director of the American Bar Association's Criminal Justice section, where she also founded the ABA Juvenile Justice

Center and has been responsible for the reorganization plan that we are here to talk about today.

So we are delighted to have you with us and welcome your testimony. The entire testimony will be admitted into the record without objection, and I hear none. You have the option of giving us whatever portion of it you wish.

Thank you.

**STATEMENT OF LAURIE ROBINSON, ASSISTANT ATTORNEY
GENERAL, OFFICE OF JUSTICE PROGRAMS**

Ms. ROBINSON. Mr. Chairman, Mr. Scott and Mr. Boehlert, thank you very much for the opportunity to appear this morning. I appreciate the chance to talk about the steps we can take together to strengthen the operations of the Office of Justice Programs and, in fact, to better serve our State and local constituents. And I also want to say, Mr. Chairman and Mr. Scott, our thanks for what has really been bipartisan support for OJP from this subcommittee for a number of years.

Before discussing specific recommendations, it may be helpful to look at some history. The Federal Criminal Justice Assistance Program is nearly three decades old, and in recent years, as several of you have indicated, it has really seen tremendous growth. That is thanks to the support from Congress, and certainly as well from the Administration.

When I came to OJP 6 years ago, our budget was \$800 million, and as several of you have noted, we are now managing nearly \$4 billion. But I think even more importantly our mission has grown as well. From the early days of LEAA, our predecessor agency, when there was basically one program, there are now 55 separate funding streams coming into OJP. And I think it is also important to note that there are multiple programs under many of those funding streams.

And while all of us in the country are clearly encouraged that crime rates are continuing to fall, it seems to me that the problems of crime that are facing our country today obviously remain daunting: issues of gangs, of youth crime, of family violence, sophisticated cyber crime, and even the potential for chemical and biological terrorist attacks.

These challenges to public safety are greater today, I would contend, than at any point in our history. So, clearly, one of our goals, as we move into the next century, has got to be to ensure that the Federal Government, and specifically here, OJP, fulfill our core mission of working as partners with State and local communities. And as part of that, I believe that we have got to be relentless in pushing to make our programs user friendly and easy to access for State and local jurisdictions, not just for Washington and for interest group insiders.

But while I think we've made real strides toward this over recent years, OJP's complicated structure clearly inhibits our ability, in the words of the U.S. Army poster, to be all that we can be. The fragmented structure undercuts our ability to advance a comprehensive integrated program to address crime and juvenile delinquency, and with the potential that future year budgets may well

be tighter, this challenge for good government becomes, in my view, all the more critical.

As you know, OJP is comprised of five bureaus and six program offices, and my statement for the record describes these more fully. Our unusual structure, with the five bureaus each headed by a presidential appointee confirmed by the Senate and six program offices managed by the Assistant Attorney General, has, as has been noted, evolved over the 30-year history as new laws led to the creation of new organizational components. And I think it is important to emphasize here that this evolution has not been political or partisan. It has really been the consequence of a number of actions taken over time by both the Legislative and the Executive Branches.

However, in today's world, with renewed attention to customer service, efficient delivery of products and services, and accountability to stakeholders, OJP, with its many separate and overlapping components runs counter to sound management policy. We are the size of many Fortune 200 companies, and we need to ensure that we are managing those resources in the most effective manner possible as responsible stewards of taxpayer dollars.

And equally important, we need to ensure that our complex program is understandable and useable by county commissioners, DAs, mayors and others who don't know one OJP bureau or funding stream from another.

As you know, Congress first evidenced concern about these issues in the conference report accompanying our 1998 appropriations by requesting information on overlap and duplication within OJP. The resulting report filed by the Department documented a number of steps we had taken to promote coordination, but noted that fundamental problems remain. For example, because the statutes creating OJP's components themselves contain substantial overlap, staff across the bureaus and offices frequently field programs addressing the same topics.

Let me give you a few illustrations. Four of our bureaus and one office work on corrections; four bureaus and one office address domestic violence; five bureaus and one office address child abuse; and gang issues are worked on by four OJP bureaus. And this list could go on.

In response to the overlap report, Congress, in our fiscal year 1999 Appropriations Act, directed the Department to develop a plan for a new structure with, "streamlined, consolidated authorities which will ensure centralized management."

In preparing that report, we knew it was essential to outreach to the field, even though our time frame of 4 months was short. So we interviewed about 50 constituent group representatives and criminal and juvenile justice practitioners, as well as 50 Justice Department and OJP officials. And in addition, both NIJ and OJJDP convened special groups to provide input on research and statistics.

Based on this outreach, the proposed plan was prepared and sent to the Hill in March. The new structure proposed in the report does not recommend changes in our underlying funding streams and programs. It does recommend ways to more effectively manage the existing programs. So the proposed structure would eliminate much duplication and overlap by streamlining and consolidating discre-

tionary grant programs by subject area; it would organize grant administration around State desks which can be responsive to the needs of those jurisdictions; it would consolidate all research at NIJ and all statistical work in BJS; and it would create one information central point for people seeking help.

My formal statement describes the structure in more detail, but I would like to talk for a minute about the proposed Office of State and Local Information Transfer. I envision this information central point as helping our OJP customers locate what is a very wide variety of available training, technical assistance, publications and grant opportunities.

And I often think here, Mr. Chairman, about a newly elected mayor in a small city, an official who doesn't know a BJA from an NIJ from a CPO. But what he or she does know is that he has an increasing gang problem, that meth is increasingly an issue in his jurisdiction and that there is rising school violence. And my goal for this mayor is that he can easily reach a knowledgeable person to help sort through the issues, not unlike triage in an emergency room, that can point him to the available technical assistance, grant help or even other communities that have successfully addressed similar problems.

Right now, Mr. Chairman, that mayor would have to go to three or four separate places within OJP, each addressing only a piece of the problem. But I would contend that on the streets of America crime problems don't come in neat compartments. You can have juvenile gang problems that may be very tied in with complex adult drug trafficking, as an example.

Mr. Chairman, as I conclude, three final thoughts.

First, I do want to stress that the goals of this proposal are not simply about efficiency. They are about setting out a vision for what the Federal, Criminal and Juvenile Assistance, Research and Statistics program should look like in order to be more effective and in order to provide the leadership, knowledge and support State and local jurisdictions need to address crime and delinquency.

Second, I am very aware, as is the Attorney General, of the concerns being expressed by very dedicated people in the juvenile justice arena, as well as those working on crime victim issues, about the potential impact of the proposal for these areas. I have had many conversations with them, including a 2-hour meeting that the Associate Attorney General and I had just yesterday with a number of the juvenile justice groups, and I anticipate that we will be continuing these dialogues.

Certainly, our goal in coming forward with these proposals was not, in any way, to diminish the importance of these issues or to create an organization where these important voices would not be heard. And in appearing today, I am also not asserting that every detail of our proposal need, in any way, be cast in stone. Clearly, we are at the beginning of this process. But as changes are being considered by Congress, I think the gravest mistake would be to sidestep the issue altogether and leave as is a current unwieldy structure. Mr. Chairman, I liked your analogy of the house with the additions. I thought that it is good.

Finally, an observation. Pressure to preserve the status quo in Federal agencies from without—and from within—is profound and hard to underestimate. But from my own 27 years working on criminal and juvenile justice, I do see how far we are from being all that we can be and how much our balkanized structure and sometimes parochial interests inhibit attaining that goal.

The report's recommendations are not about me or any of my colleague bureau leaders. We will, after all, be gone at the end of the Administration. They are, however, about good government. So I appreciate your interest in and your support for OJP and, of course, look forward to continuing our discussions, and I would be happy now to respond to your questions.

[The prepared statement of Ms. Robinson follows:]

PREPARED STATEMENT OF LAURIE ROBINSON, ASSISTANT ATTORNEY GENERAL, OFFICE OF JUSTICE PROGRAMS

Mr. Chairman and Members of the Subcommittee:

I appreciate this opportunity to talk about the efforts underway at the Department of Justice to improve the operations of the Office of Justice Programs and to enhance our ability to serve the needs of state and local law enforcement in this country. I also want to thank you, Mr. Chairman, and the other Members of this Subcommittee for the bipartisan support you have given OJP in working toward this mission.

Before discussing our specific recommendations for helping OJP better serve its state and local constituents, it may be helpful to step back and look at the broader picture: The federal criminal justice assistance program, now some three decades old, has seen tremendous growth in recent years thanks to support from the Congress and the Administration. For example, when I began my tenure with the Department in 1993, OJP's budget was around \$800 million. Now, we are managing a nearly \$4 billion budget.

More importantly, our mission has grown, as well. From the early days of the agency 30 years ago, when there was basically one program, there are now 55 separate funding streams coming into OJP, and multiple programs under many of these. And while we are encouraged that crime rates continue to fall in virtually all categories, the problems of crime which we face in the country—gangs, family violence, youth violence, and even the potential for chemical or biological terrorist attacks—make the challenges of public safety today greater than ever in our history.

One of our greatest challenges, as we move into the next century, is to ensure that the federal government—and specifically OJP—fulfills its core mission of helping communities prevent and control crime, and serves as a true partner to the state and local communities whom it serves. In my view, we have to be relentless in pushing to make our programs more "user friendly" and easier for state and local jurisdictions to access.

While we have, I believe, made enormous strides in working with communities on issues ranging from juvenile gun violence and prevention to violence against women and offender drug addiction, the complicated structure of OJP inhibits our ability to—in the words of the Army recruitment posters—"be all that we can be." The current fragmented structure of the agency undercuts our ability to advance a *comprehensive* and *integrated* program to address crime and juvenile delinquency. And as budgets for future years are likely to face greater constraints, this challenge for "good government" becomes more critical.

OJP'S BUREAUS AND OFFICES

As you know, Mr. Chairman, OJP is currently comprised of five program bureaus and six program offices. The OJP program bureaus are:

- The *Bureau of Justice Assistance (BJA)* provides funding, training, and technical assistance to state and local governments to combat violent and drug-related crime and to help improve the criminal justice system. Its programs include the Edward Byrne Memorial State and Local Law Enforcement Assistance formula and discretionary grant programs and the Local Law Enforcement Block Grants (LLEBG) program. BJA also administers the new Bulletproof Vest Grant Partnership Program, the State Criminal Alien Assistance Program, and the Regional Information Sharing System (RISS) Program.

- The *Bureau of Justice Statistics (BJS)* collects and analyzes statistical data on crime, criminal offenders, crime victims, and the operations of justice systems at all levels of government. It also provides financial and technical support to state statistical agencies and administers special programs that aid state and local governments in improving their criminal history records and information systems.
- The *National Institute of Justice (NIJ)* supports research and development programs, conducts demonstrations of innovative approaches to improve criminal justice, develops new criminal justice technologies, and evaluates the effectiveness of OJP-supported and other justice programs. NIJ also provides major support for the National Criminal Justice Reference Service (NCJRS), a clearinghouse of information on justice issues.
- The *Office of Juvenile Justice and Delinquency Prevention (OJJDP)* provides grants and contracts to states to help them improve their juvenile justice systems and sponsors innovative research, demonstration, evaluation, statistics, replication, technical assistance, and training programs to help improve the nation's understanding of and response to juvenile violence and delinquency.
- The *Office for Victims of Crime (OVC)* administers victim compensation and assistance grant programs created by the Victims of Crime Act of 1984 (VOCA). OVC also provides funding, training, and technical assistance to victim service organizations, criminal justice agencies, and other professionals to improve the nation's response to crime victims. OVC's programs are funded through the Crime Victims Fund, which is derived from fines and penalties collected from federal criminal offenders, not taxpayers.

OJP's six Program Offices are:

- The *Violence Against Women Office (VAWO)* coordinates the Department of Justice's policy and other initiatives relating to violence against women and administers grant programs to help prevent, detect, and stop violence against women, including domestic violence, sexual assault, and stalking.
- The *Corrections Program Office (CPO)* provides financial and technical assistance to state and local governments to implement corrections-related programs, including correctional facility construction and corrections-based drug treatment programs.
- The *Drug Courts Program Office (DCPO)* supports the development, implementation, and improvement of drug courts through grants to local or state governments, courts, and tribal governments, as well as through technical assistance and training.
- The *Executive Office for Weed and Seed (EOWS)* helps communities build stronger, safer neighborhoods by implementing the Weed and Seed strategy, a community-based, multi-disciplinary approach to combating crime. Weed and Seed involves both law enforcement and community-building activities, including economic development and support services. United States Attorneys are essential partners in the implementation of Operation Weed and Seed in communities throughout the country.
- The *Office of the Police Corps and Law Enforcement Education (OPCLEE)*, which in November 1998 was moved by the Attorney General to OJP from the Justice Department's Office of Community Oriented Policing Services (COPS), provides college educational assistance to students who commit to public service in law enforcement, and scholarships—with no service commitment—for dependents of law enforcement officers who died in the line of duty.
- The proposed *Office of State and Local Domestic Preparedness Support (OSLDPS)* is responsible for enhancing the capacity and capability of state and local jurisdictions to prepare for and respond to incidents of domestic terrorism involving chemical and biological agents, radiological and explosive devices, and other weapons of mass destruction (WMD). It awards grants for equipment and provides training and technical assistance for state and local first responders.

In addition, OJP's American Indian and Alaskan Native Office (AI/AN) improves outreach to tribal communities. AI/AN works to enhance OJP's response to tribes by coordinating funding, training, and technical assistance and providing information about available OJP resources.

This unusual structure with five bureaus each headed by a Presidential appointee confirmed by the Senate and six offices managed by the Assistant Attorney General has evolved over our 30-year history, with various statutes and Administration pro-

grams leading to the establishment of one new "box" or organizational component or another to address that specific issue. I think it important to emphasize that this evolution has not been political or partisan. In fact, it is simply the consequence of various actions by both the legislative and executive branches.

NEED FOR CUSTOMER ORIENTATION

However, in today's world, with a renewed attention to customer service, efficient delivery of products and services, and accountability to stakeholders, today's OJP with its many agencies and offices acts in opposition to the mantra of modern management, which is to first be responsive to one's "customers." We must bring our "business" of criminal justice and juvenile justice leadership and change into line with modern management practices and greet the new millennium with forward vision.

As you can see from this "alphabet soup" of agencies, not only are there opportunities for overlap and duplication, but our "customers"—government leaders, state and local criminal and juvenile justice practitioners and researchers, and you, the Congress—it is a difficult organization to navigate—even with "maps," such as our program plans, reports, and dynamic Website.

In recognition of this increasingly complex situation, in Fiscal Year 1998 the Congress asked me to report on the extent of coordination within the agency and the steps overtaken to reduce duplication of effort. Noting that OJP had made substantial progress in its coordinating efforts, the Congress still evidenced its concern about the stewardship of the funds they were appropriating and so, in the Fiscal Year 1999 Appropriations Act the Congress directed the OJP Assistant Attorney General and the Justice Department to develop a plan for "a new organizational structure with streamlined, consolidated authorities, which will ensure centralized management" of OJP programs and submit the plan to the Congress by March 1, 1999.

DEVELOPING A REORGANIZATION PLAN

In response to this Congressional directive, the Department developed a plan for a new OJP organizational structure that would enhance OJP's stewardship of criminal and juvenile justice grant-in-aid initiatives.

The Department undertook a concerted, four-month long effort to seek out and consider the ideas and observations of as large and as representative a group of officials, both within and outside the Justice Department, as time and resources would permit. This outreach effort involved telephone interviews and in-person meetings with some 50 Justice Department officials and dozens of public and special interest group representatives and criminal and juvenile justice practitioners. In addition, both the NIJ director and the OJJDP administrator convened special focus groups to discuss research and statistics issues.

Based on the thoughtful comments and recommendations of these various groups and individuals, as well as direction from Congressional conferees, the Justice Department devised a reorganization plan for OJP and submitted the plan to the Congress on March 10, 1999. Mr. Chairman, I have provided the Subcommittee with a copy of the Report to Congress and ask that it be submitted for the record.

ELEMENTS OF THE REORGANIZATION PROPOSAL

The plan also would streamline and consolidate functions within the OJP infrastructure and eliminate duplication and overlap of agency functions by integrating similar and related responsibilities into coherent organizational components. This represents a move away from the historical practice of creating separate, and virtually independent, agency bureaus and program offices to administer specific federal funding streams authorized by the Congress.

In line with that, the plan sets forth a new OJP organizational structure under which the overall authority for the management and administration of OJP programs and activities would be vested with the OJP Assistant Attorney General (OJP/AAG). As under current law, the OJP/AAG would carry out the duties and responsibilities of that office under the general authority of the Attorney General. Further, to meet the objective of centralizing administrative authority within OJP, and in the interest of sound management, the plan would eliminate the presidentially appointed directorships of the existing five OJP bureaus.

The new organizational structure would preserve the integrity of the more than 50 congressionally mandated funding streams currently managed by OJP, while enhancing the efficiency, effectiveness, and accountability of its program and administrative functions. The plan proposes a new OJP structure comprised of a research

institute, a statistical office, four programmatic offices, and six administrative offices.

The six substantive offices of the new OJP structure would be: the National Institute of Justice; the Bureau of Justice Statistics; the Office of Criminal Justice Programs Development; the Office of Juvenile Justice and Delinquency Prevention Programs; the Office of State and Local Information Transfer; and the Office of Formula Grants/State Desks.

The *National Institute of Justice (NIJ)* would assume responsibility for all OJP research and evaluation activities, including those currently administered by OJJDP's National Institute of Juvenile Justice and Delinquency Prevention. Juvenile justice and delinquency prevention-related research and evaluation would be managed by a new Institute for Juvenile Justice Research (IJJR) within NIJ. IJJR would engage in regular consultation with the new Office of Juvenile Justice and Delinquency Prevention Programs to develop juvenile justice research and evaluation plans and programs. Similarly, NIJ would consult with the various OJP program offices in developing research and evaluation plans, programs, and strategies, and the OJP program offices would consult with NIJ in developing grant, technical assistance, and training programs.

The goal of the Department's proposal is not to take away from the research effort in any one area, but rather to work towards the knowledge-based program testing, evaluation, and replication cycle envisioned in the Safe Streets Act of 1968, the original authorizing legislation. In addition, the proposal would continue the central and independent role of federally supported research and ensure that federally supported criminal and juvenile justice research and evaluation continue to be a high priority for the Justice Department.

The *Bureau of Justice Statistics (BJS)* would have responsibility for all OJP statistical collection and analysis-related plans, programs, and strategies. The development of these plans, programs, and strategies would be carried out in consultation with the various OJP program offices. Likewise, the various OJP program offices would consult with BJS in developing grant-funded initiatives to ensure that statistical knowledge informs the programmatic work of the agency.

To ensure that juvenile justice continues to be a prominent and visible focus for OJP and the Justice Department, the new organizational structure proposes to retain a separate juvenile justice office. The *Office of Juvenile Justice and Delinquency Prevention Programs* would have lead responsibility, and leadership role, within OJP for developing juvenile justice and delinquency prevention plans, programs, and strategies. The new Juvenile Justice Office would retain responsibility for monitoring state formula grant recipients' compliance with Congressional mandates under the Juvenile Justice and Delinquency Prevention (JJDP) Act, although the ministerial paperwork functions associated with awarding of these grants would take place under the Office of Formula Grants/State Desks. In addition, because of its subject area expertise, the new Juvenile Justice Office would work closely with NIJ's Institute of Juvenile Justice Research and BJS in formulating those offices' juvenile justice-related research and statistical work.

The *Office of Criminal Justice Programs Development* would be comprised of offices, each of which would be responsible for program development-related activities in a general substantive subject area: crime victims; violence against women; community-based programs; law enforcement; adjudication; technology and information systems; corrections; counter terrorism; and substance abuse. Our goal with this structure is to be flexible enough to accommodate new issue areas if and as they arise.

This proposal specifically responds to practitioner concerns that the existing OJP administrative structure fosters a fragmented approach to topical criminal justice issues and creates duplication, overlap—and sometimes conflict—among related OJP program initiatives. The proposed restructure would help to build substantive knowledge and expertise in each respective section and would facilitate the formulation of comprehensive, cohesive, cross-disciplinary strategies for addressing crime.

In addition to policy, planning, and program development, the Office of Criminal Justice Program Development would also develop, implement, and manage technical assistance and training programs.

The *Office of Formula Grants/State Desks* would assume all routine grants management, administration, and program and project monitoring functions for all congressionally authorized formula and block grant programs currently administered by OJP. The Office of Formula Grants/State Desks would be organized geographically and comprised of five sections, each of which would cover one geographical region: Northeast, Southeast, North Central, South Central, and West. Each state would be assigned to one of these regions. Our state and local customers will be able to contact a specific individual who is responsible for overseeing management, ad-

ministration, and monitoring of all formula and block grants within that state. In addition, state desk staff would be responsible for transmitting knowledge and assistance to the states, not simply for processing grants, and my expectation is that each state desk officer would be intimately familiar with that state, and its special needs and issues, and serve as a "broker" in its accessing help from OJP.

The *Office of State and Local Information Transfer* would provide a "one stop shopping" capacity for information concerning the organization, grant programs, technical assistance, training, and other resources of OJP. In virtually every OJP constituency focus group conducted in recent years, as well as in interviews conducted during the development of the reorganization proposal, criminal and juvenile justice practitioners have described problems encountered in accessing information about OJP-administered technical assistance and training resources.

The Office of State and Local Information Transfer would serve as a de facto "traffic cop" in directing OJP constituents to available training and technical assistance and information on "what works" and grant opportunities. In addition, the new office would be charged with the primary responsibility within OJP to convey knowledge and information to state and local constituencies and others, including the printing and dissemination of OJP publications.

In thinking about customer service, I've often thought about the newly elected official of Smalltown, USA. This new mayor doesn't know a BJA from an OJJDP from an NIJ. What he or she does know is that their town has a gang problem, or a methamphetamine problem, or a rising crime rate. My goal for this mayor is that he only has to make one phone call to our Information Transfer Office, where a knowledgeable staffer—like triage—can sort through the problems that jurisdiction faces, point to available grant programs, technical assistance and training opportunities, printed or Internet materials, and to other similarly situated communities that have successfully attacked the specific problem. In many respects, this new office is one of most essentially needed functions we must implement to ensure that those who are most affected by crime and issues of public safety in the country have an easy way to access the many resources we can bring to bear.

CONCLUSION

The organizing principle at the heart of this plan is to move OJP, as the Congress directed, from a confusing, complex, decentralized administrative structure to a more cohesive centralized administrative structure comprised of coherent components with distinct functions and competencies that share a common mission.

In conclusion, Mr. Chairman, the reorganization plan submitted to the Congress recommends creation of an OJP structure that would centralize administrative authority to a greater degree, streamline an agency that has grown from managing \$800 million in 1993 to nearly \$4 billion today with 55 funding streams, and integrate many currently overlapping agency functions. Our plan is focused on the more effective *management* of our current programs and funding streams. We are not seeking to change the essence of those underlying statutes.

We are the size of many Fortune 200 companies. We need to apply the rules of good management and good government to steer this organization and to ensure that our resources are used to their best advantage, in the most effective manner possible.

However, the goals of the proposal are not simply about efficiency. The proposal sets forth a vision for what the federal criminal and juvenile justice assistance program should look like and how it should operate. We seek to ensure fully integrated program development, with research and knowledge driving decisions about policy and programs. This plan's objectives are also to improve responsiveness to the field, to focus resources more effectively, and to eliminate confusion, duplication, and overlap in programmatic activities. The Justice Department strongly believes this restructure proposal would result in better service to OJP constituents at the state and local levels by reducing red tape, by making information on all available grant funds, technical assistance, and training more accessible, and by streamlining grant management processes to help ensure existing funding streams reach state and local jurisdictions more expeditiously.

Further, we strongly believe that this restructure proposal would provide for better stewardship of our considerable resources and provide for a better means of accountability to the Congress and the American people.

While there has been some concern, most notably in the juvenile justice and victims communities, about the specifics of the OJP reorganization proposal, virtually every official interviewed in developing the Report to Congress emphasized the need to improve coordination and collaboration and eliminate duplication and overlap

among OJP bureaus and offices, and to eliminate what one interest group representative called "silly distinctions" in the alignment of program-related responsibilities.

As you may know, Mr. Chairman, the Justice Department is continuing to meet with concerned constituent groups and individuals, particularly from the juvenile justice community, to further discuss the reorganization plan and its impact on funding and other assistance to the field.

I appreciate your personal interest in and support for OJP, Mr. Chairman, and the support of the other Members of this Subcommittee. I look forward to continuing to work with you to ensure we are meeting the needs of state and local criminal and juvenile justice practitioners, and I would be happy now to respond to any questions you or the Subcommittee Members may have.

Mr. MCCOLLUM. Well, thank you very much, Ms. Robinson, for being with us today. I think that what you are attempting to do with this plan is a noble thing that we all recognize, in the broad sense, needs to be done. But I want to ask some questions, particularly based upon what we received, in part, as anticipated testimony today from critics of the plan simply to give you an opportunity to respond to some of those concerns. We need to understand your perspective on these issues as they relate to the reorganization.

One of the critics say that the reorganization plan would fragment OJJDP and distribute the functions to several new agencies, which would then be required to liaison back to OJJDP in order to achieve coordination of juvenile justice efforts. This critic goes on to say that this plan removes control from OJJDP of nearly 75 percent of its current budget.

And while I am on it, I am going to give you a chance to respond to all of that, but there is another issue along the same lines. Another person says that to the extent that the reorganization plan divides the Agency by functions rather than programs, it will result in less focused emphasis on these critical specialized subject areas. This critic goes on to say that staff overseeing a model program grant would be required to go to a publications office to persuade them to disseminate information about a program, to a research office to secure an evaluation, to a statistical office to obtain information for inclusion in that office's work, and to a training and technical assistance office to assess expertise needed to implement the program. And this critic says, "In practice, the reorganizational plan, with regard to OJJDP, creates additional administrative problems."

How do you respond to that? Is this an accurate assessment? I mean, I am quoting from two different people, but they have a similar thrust, which is that the change in OJJDP—I realize it is just one of the changes in the reorganizational plan—but that the change in OJJDP would actually be counterproductive in that it would cause more shopping rather than less and it would, apparently, strip this agency of most of its budget authority.

Ms. ROBINSON. Mr. Chairman, let me address that from several different vantage points.

First of all, the goal here is, in fact, to strengthen the ability of the Juvenile Justice Office to address juvenile justice issues across OJP. Right now, virtually every single one of our bureaus and program offices addresses youth crime and juvenile justice in some fashion. What we don't have is one office that can, in effect, speak for everyone on juvenile justice, and that is the goal here, so that OJJDP would not solely be administering the funding streams that

go in there now, but have an ability to, for example, oversee and administer the significant programs that BJA currently administers relating to crime prevention for children. That is the kind of issue where it could strengthen the juvenile office.

Secondly, there is a misunderstanding in there, and I think we can always look back and say that the shorthand one uses in an organization chart may not clarify everything. While that Information Central Office would be a pointer system for available publications and technical assistance, it would not, itself, perform the TA, and it would not, itself, handle publications other than the mechanics of the printing and distribution. The program offices would be the leaders. They would be the knowledgeable staff who would know what should be in the publication. They would prepare the publications, to whom it should be sent, what the distribution plan should be. So, in fact, that would not be a problem that would occur.

Third, let me address the issue of the routine grant administration that would take place under the State desks. And we talked with the juvenile justice groups yesterday about this. If it would make more sense to have those formula grants officially going into the budget of the Juvenile Justice Office, we would have no objection to that at all.

What we were suggesting here is that right now there are, as an example, nine or ten different people across OJP who handle grants going into the State of Florida. Those people do not even know who the other staff are working on Florida. Our thought here, and this is something the Attorney General feels very strongly about, I think from her own experience in Dade County, that you have got to have some kind of community desk or State desk that can, in fact, know what the funding is going into a local jurisdiction. Those people, however, would not be the substantive experts about the formula grants. They would be handling what we would see as the day-to-day routine type of questions that would be coming in, in the same way that our department, which reviews budget, helps OJJDP or the other bureaus within OJP.

So that is not a loss of stature or a loss of control. The Juvenile Justice Office would, in fact, continue to be the leader, and responsible for shaping conceptualization, planning and oversight of the formula grant programs.

Fourth, let me address the point about research and statistics. This is an issue that the Attorney General, the Associate Attorney General and I have struggled with to a great degree. Because, clearly, one thing that we do not want to see, particularly Janet Reno with her history of attention to children's issues, is that attention to research on juvenile justice would in any way be diminished. And yet I think that it is very important that we think about the issue of independent, arm's-length research being separated from program. If I am running a program, and I am hoping it works out well, but I also run the evaluation, are the results out of that evaluation as credible as if I turn to an equivalent of a CPA or an audit firm to do it for me?

So I think that kind of analogy is an important one here. When there is a program office, let us say our Violence Against Women Office, should they also be running the research and running the

evaluations of that issue? Our answer would be no, that it has more credibility and standing when it is done out of an independent, arm's-length organization like NIJ.

The second issue, which goes, in many ways, more to the principles of the report, is that there is, in fact, overlap and duplication between the research and evaluation work now ongoing in juvenile justice and on NIJ's side. Very dedicated, committed people work in both areas, and it is not a criticism of any of them.

But the reality is that we have work on gangs, curfews, school safety, and a variety of other issues like conflict resolution for kids, coming out of both parts of OJP. Particularly as we look at the fact that research receives such a tiny percentage of our overall budget, does this really make sense to divide it up in that fashion? So the proposal here, under the plan, would be, nonetheless, to retain focus on the juvenile justice area by creating an Institute of Juvenile Justice Research within NIJ, and I think there are important ways in which Congress could continue to designate money specifically for that, so that it is not melded into a general fund budget for NIJ.

So those are my quick responses, Mr. Chairman.

Mr. MCCOLLUM. Those are good responses, and that is why I wanted to ask these questions. I appreciate it.

Mr. Scott, you are recognized for 5 minutes.

Mr. SCOTT. Ms. Robinson, when would this reorganization be effective?

Ms. ROBINSON. In the report, we had suggested that Congress consider making it effective at the time that the Administration changes in order to ease transition. But there are parts of it, if we could move ahead with something like the information central piece, that if there were a way to do it, I would recommend that we consider doing more quickly.

Mr. SCOTT. And since it is not effective until the next Administration comes in, why shouldn't we wait until the next Administration comes in?

Ms. ROBINSON. The last time that OJP's structure was changed from what was an agency called OJARS to OJP it was under consideration for two to 3 years, and I think all of us knowing, looking at the Juvenile Justice bill as an example, these things take time. I thought it was important, and clearly the appropriators in putting this direction to us thought it was important, to begin the discussion on this because of the need.

Mr. SCOTT. Part of the reorganization eliminates presidential appointees. There is some belief that this would lower the status of those agencies. How would you respond to that?

Ms. ROBINSON. One of my observations during this Administration has been that frequently people in the field are somewhat unaware of this particular status of individuals, what their appointment level was. As an example, Joe Brann, as head of the COPS Office during this Administration, Bonnie Campbell, as the director of the Violence Against Women Office, have both testified before Congress frequently, appeared nationally in the media and before various organizations and speak on behalf of the Administration. They are political appointees. They are presidential appointees, but they are not Senate-confirmed presidential appointees, and that is

the same level of status that is recommended and suggested within the reorganization report.

I think the second point I would make is that OJP is apparently unique across the Executive Branch in having six presidential appointees within a very small agency. When I arrived at OJP, we had 300 staff and six presidential appointees. What that has done over the years, coupled with the final grant authority provisions that have existed, is create, in effect, very independent, I would call, fiefdoms, which frequently have not worked well with each other and where there has been less coordination than I think the field really requires.

During this Administration, happily, we have had appointees who have gotten along well, but the career staff always remind me that there is no guarantees on that, and that anything that we can do to ensure that the Agency operates in a collegial and comprehensive, integrated kind of way, while preserving attention to important issues, that we have got to figure out ways to strike those balances.

Mr. SCOTT. Well, part of the idea about being able to create a fiefdom is that the issue of that bureau cannot get lost. If you are in a large agency, everyone working together cooperatively, some issues may get lost in the shuffle. You do not have that if you have a presidential appointee whose job it is to work on support of victims, support of Violence Against Women or something like that.

Will you lose that focus on the issues that we have designated as so important that you need a bureau to take care of it?

Ms. ROBINSON. I do not think you do, and I would again use the example of Violence Against Women, where we don't have a Senate-confirmed appointee heading that office. But we do have a lot of attention in the country, and from the Administration and from Congress on the issue. And I think we can look back at some past Administrations, even where there was a presidential appointee, but there was not particular attention to the issue, and there was not a lot of focus devoted to it.

Mr. SCOTT. You indicated in your testimony that you had met with many of the people who are very active in juvenile justice. What concerns did they express and how did you respond?

Ms. ROBINSON. Yes, I have met on several occasions, including the meeting I alluded to yesterday with Ray Fisher, the Associate Attorney General, and a number of representatives from the juvenile justice community.

I think the questions that the chairman had put to me about the sense of dispersing of different functions throughout the Agency, whether they could remain really the leadership point within not only OJP, but the Justice Department for juvenile justice issues—those were key issues. They talked to us about the presidential appointee question, and they talked to us about research and statistics. So it was really the issues that the chairman had raised.

Mr. SCOTT. One last question. In last year's budget, we had a requirement that OJP has final say on grants. Why do we need reorganization? Why can't that accomplish what you want to accomplish?

Ms. ROBINSON. It is a very good question and one that I think several years back I would have given you a different answer on.

The reason that final grant authority alone cannot solve the problem is that, in effect, it is a veto at the end of the process.

Even where planning gets pushed down so that we have more working groups and subjects across OJP than we could have time to list today at the hearing, when you have separate structural organizations working on the same issue, what I think of is almost small boutiques coming up with wonderful ideas that are not initially thought about together and conceptualized—the end result is grant proposals that are being put forward for signature at the end. This is not the time to solve that problem.

It really needs to be thought about at the beginning as we are addressing the issues—whether it is gangs, school safety or drug trafficking—to think about what we can do across the board to address those issues and come forward at the end. So it is not necessarily individual grants, but it is the original conceptualization.

Mr. MCCOLLUM. Thank you, Mr. Scott. I am going to take a second round and yield to Mr. Boehlert my time of 5 minutes.

Mr. Boehlert?

Mr. BOEHLERT. Thank you very much, Mr. Chairman. And the Assistant Attorney General, I want to thank you for the courtesy extended to me earlier in the week when we had a rather extended conversation about my proposal. So I know you can't take a position here and now on the bill, but I am trying to get a good feel for initial reaction on the concept.

Would it be helpful to the future of technology programs to have a clearly defined congressional mandate and authorization level? Would that be helpful?

Ms. ROBINSON. Yes, it would.

Mr. BOEHLERT. Talk about a softball.

Ms. ROBINSON. Yes. [Laughter.]

Mr. BOEHLERT. Would you agree with me that technology programs are an increasingly important part of law enforcement and one area in which the Federal Government can make an enormous contribution to law enforcement which, after all, is largely a State and local matter?

Ms. ROBINSON. I very much do, and I should also thank you for your help, as well as the chairman's, on this issue, which has really gained such momentum and visibility over the last five or 6 years, in particular.

Mr. BOEHLERT. Thank you. In addition to our other responsibilities, the chairman and I also serve on the House Permanent Select Committee on Intelligence, so we are very much aware of the great asset technology can prove to be as we fight so many demons that are out there, internally and externally. And I am glad to see the chairman shares some of my initial enthusiasm for this overall proposal. I think we can really do something working in partnership.

Let me ask you this: Is the Justice Department ever hamstrung, and maybe that is too strong a word, but I think you know what I mean, in its dealings with other Federal technology agencies or outside entities because its authority is not clearly defined? And we are talking in this technology area.

Ms. ROBINSON. Yes, I think that is probably true.

Mr. BOEHLERT. Boy, this is a love-in right here. [Laughter.]

Ms. ROBINSON. So far.

Mr. BOEHLERT. Yes, so far. [Laughter.]

Mr. BOEHLERT. Boy, I don't want to tempt fate. I will give you a broad one, and then I will leave it at that, Mr. Chairman.

How would you work to strengthen the technology programs at DOJ, both with Congress and administratively?

Ms. ROBINSON. Well, I have thought about that since we had the opportunity to meet in your office last Friday, and I do think that having a specific authorization that delineates the type of areas that we can be working in would, in fact, strengthen our hand. I think your notion of generous authorization levels is certainly something that would be helpful, even though, of course, we know the appropriation process has to follow beyond that.

And beyond that, I think that the issue that really confronts us frequently is one of having adequate resources to really push the edges on this. We have worked, as you know, Congressman, very closely, for example, with DARPA at DOD. But the reality is that their budget very vastly overshadows anything that we have within the National Institute of Justice and OJP. We have tried to be a strong advocate for the law enforcement views, and in fact, some of the first technology we developed was helpful to them on the mission in Somalia. So the sharing actually went the other way at the beginning of the partnership.

But I think that the statutory approach, through an authorized set of responsibilities, would be useful, and I think obviously appropriations of an adequate nature to address the breadth of issues here would really be extremely helpful.

Mr. BOEHLERT. Well, thank you very much.

And, Mr. Chairman, thank you for the courtesy of letting me participate.

Mr. MCCOLLUM. You are certainly welcome.

Mr. Scott, do you have a second round?

Mr. SCOTT. No.

Mr. MCCOLLUM. Mr. Barr do you have any questions you would like to ask?

Mr. BARR. No, thank you, Mr. Chairman. I will review the materials.

Mr. MCCOLLUM. Thank you.

Mr. Scott?

Mr. SCOTT. I just had one additional question. Ms. Robinson, when you get the results of the research, how do you disseminate that information to the rest of the Department of Justice?

Ms. ROBINSON. To the rest of the Department of Justice? It actually is disseminated, I would say, primarily in three ways.

The first is that all publications containing research findings are sent up to the Attorney General through the Associate and the Deputy Attorney General.

Secondly, they are distributed to a number of other related offices if those offices and bureaus had not already been involved, in some way. For example, on drugs, DEA might have been consulted to review the final publication before it was finalized.

And then third, all of our publications are available through our Web site as well, which is obviously available to all within the Department.

Mr. SCOTT. Let me just make a comment then and yield back.

What I have noticed is that some of the recommendations coming from the Department of Justice suggest that they haven't gotten the benefit of some of your research, and I would just leave it at that.

Ms. ROBINSON. We can't make them read the publications, Mr. Scott. [Laughter.]

Mr. MCCOLLUM. Thank you, Mr. Scott.

Before we finish with your portion of this hearing, Ms. Robinson, I just want to comment that what Mr. Boehlert said is so true with respect to the research work and the effort being done with regard to the threat of mass weapons, nuclear, chemical, biological. I know that a lot of work is going on now in diverse areas of our government. I also realize that your agency, that you are so ably trying to reorganize, is responsible for a great deal of that work.

Chairman Hyde has requested that the FBI consider the establishment of a National Readiness Center for Domestic, Chemical and Biological Terrorism at Georgetown University and the University of Utah, and in response to that, the Assistant FBI Lab Director, Dr. Kerr, has indicated that the activities proposed would be a duplication of efforts already underway at the National Domestic Preparedness Office.

I doubt that you have a detailed knowledge of that, but I wondered if you might be able to submit for our records a response to that because obviously that is a very important concern. Are we duplicating or would we be duplicating efforts that are ongoing with regard to the National Domestic Preparedness Office if this Readiness Center that is being proposed with Georgetown and Utah were to be established?

I don't know the answer to that, but maybe you do off the top of your head. I just assumed that you would want to submit it for the record, but certainly, if you do know the response, please tell us.

Ms. ROBINSON. I do not know the response. I would be happy to work with others in the Department and get that to you. NDPO is an organization within the FBI. And while we work closely with them, I would not presume to speak for them. But we would be happy to pursue that and get back to you.

Mr. MCCOLLUM. Thank you. And along those same lines, I would just like to comment that, as we are getting prepared doing various research items that I know exist out there, the one that today disturbs me the most is the biological component, the potential for biological warfare, terrorists bringing substances in here. It has been the subject of a lot of discussion lately. And while some of that may be classified, if I wore my other hat, the general public certainly is aware, perhaps not as much as it should be, that such a threat is increasingly present.

And as our law enforcement officials around the country might be called upon to respond to some attack, some use of a virus to try to contaminate a whole community for whatever dastardly reason, those law enforcement folks not only have a tremendous responsibility in trying to protect the citizenry, they are risking their lives. I hope and I believe that the research that is going on is going to help them to be better prepared for task by improving their own immune systems or having equipment or whatever.

It is great to have equipment for going out and suiting up for fighting certain types of contamination, but when it comes to a virus, a flu bug type of thing, I think it is extraordinarily important that we think about alternatives. So I think the work you are doing is great.

Before we close down, I understand Mr. Barr has a question. I certainly would recognize him if he does.

Mr. BARR. Thank you, Mr. Chairman.

Ms. ROBINSON, what component of your area is responsible for developing the curricula on preventing hate crimes? Is that OJJDP?

Ms. ROBINSON. OJJDP is one of several different bureaus. And in fact, every one of our bureaus addresses this hate crime in some fashion. But specifically, OJJDP has developed curricula, yes.

Mr. BARR. What is the status of that curricula development?

Ms. ROBINSON. My understanding is that it has been developed, and it is now in process of being used in training in different sites around the country.

Mr. BARR. Would that be in schools, when you say different sites around the country?

Ms. ROBINSON. That is my understanding, yes, or for teachers.

Mr. BARR. How many schools is it being used in, in that way?

Ms. ROBINSON. Mr. Barr, I don't know. I would be happy to get back to you with that information.

Mr. BARR. How were those schools determined, the ones the program will be used in to work with the teachers?

Ms. ROBINSON. I would have to get back to you. I do not know the specifics on it, and I would not want to speculate.

Mr. BARR. Some members have had concerns expressed to them, and I have not looked into it at all, so I am not saying they are accurate or not, but some concerns have been raised with us that the curricula that is being developed or has been developed or being implemented somehow denigrates religion and religious beliefs. If you would, please, check into that and address that, if you would, please, just briefly in a letter to me, along with the other specific information. And if you would, send a letter to me and copy the chairman on that, I would appreciate that.

Ms. ROBINSON. Mr. Barr, I would be happy to do that. Obviously, the position of the Justice Department is we should be respectful toward all religion, and that would not be an appropriate thing. And I am happy to address that in a letter to you.

Mr. BARR. Thank you.

Thank you, Mr. Chairman.

Mr. MCCOLLUM. Thank you very much, Mr. Barr.

And I want to thank you, Ms. Robinson, for spending the time with us. We certainly are going to digest and consider your proposal. Thank you very, very much.

Ms. ROBINSON. Thank you.

Mr. MCCOLLUM. Our second panel today consists of several witnesses. Our first witness is Dr. Lawrence Sherman. As I call their names, I would hope they would come and take a seat up at the panel.

Dr. Lawrence Sherman is the Greenfield Professor of Human Relations and the Director of Fels Center of Government at the University of Pennsylvania. Since beginning his career as a civilian re-

search analyst for the New York City Police Department, Dr. Sherman has collaborated with over 30 police agencies around the world evaluating all aspects of criminal justice activity. He has authored numerous books and articles and received awards for distinguished scholarship from noted criminological organizations, including the American Society of Criminology.

Prior to his appointment to the University of Pennsylvania, he was an adjunct professor of law at the Australian National University and a professor of criminology at the University of Maryland.

Our second witness is Judge Michael Anderegg. Judge Anderegg currently presides over the Family Division of the Marquette County Circuit Court in Michigan. Judge Anderegg has served as President of the Marquette County Bar Association and was the Chairman of Governor Engler's Committee on Juvenile Justice from 1994 to 1999.

Judge Anderegg has also served as a member of numerous Michigan Supreme Court committees and has long provided valuable leadership with the National Council of Juvenile and Family Court Judges, which he has belonged to since 1994. He is testifying today on behalf of the National Council of Juvenile and Family Court Judges.

Our next witness is Joseph Myers. Mr. Myers is executive director of the National Indian Justice Center, which he helped create in 1983 as an independent national resource for tribal and other American Indian agencies. Mr. Myers is a member of the board of directors of the National Organization for Victims Assistance. In addition to his work with NOVA, Mr. Myers is actively involved in American Indian affairs and is a member of the Pomo Tribe of Northern California. In 1993, Mr. Myers received recognition from Attorney General Janet Reno for his work on behalf of victims of crime in Indian country.

Our next witness is Mr. Mark Soler. Mr. Soler is the president of Youth Law Center. He opened the Center's branch office in Washington, D.C., where he works on national policies affecting children and families and Federal legislation. On behalf of the Center, he collaborates closely with other national organizations and engages in advocacy activities throughout the East Coast.

Our next witness is Ms. Donna Edwards. Ms. Edwards is the executive director of the National Network to End Violence, a membership organization of State domestic violence coalitions from all over the United States. For nearly 10 years, Ms. Edwards has served as the chair and one of the founders of the network. She is also currently a commissioner on the District of Columbia Mayor's Commission on Violence Against Women.

And our final witness on this panel is Dr. Terence Thornberry. Dr. Thornberry is a professor of criminal justice at the University of Albany, State University of New York. He is also currently the director of a Rochester youth development study. His research interests focus on the longitudinal examination of the development of juvenile delinquency in crime as well as interactional theories to explain these behaviors. Dr. Thornberry is a fellow of the American Society of Criminology.

I want to welcome the entire panel today. I will say that we have their statements.

Also, without objections, each of your entire statements are put into the record in their totality. You may feel free to summarize. Since we have a large panel, I would like to request, I think as counsel has in asking you to come, for you to try to hold your oral comments to about 5 minutes so that we can have time for questioning.

Mr. SCOTT. Mr. Chairman?

Mr. MCCOLLUM. Yes?

Mr. SCOTT. We have a letter we would like admitted from the National Center for Victims of Crime, along with the others.

Mr. MCCOLLUM. Without objection, it is so admitted.

[The information referred to follows:]

THE NATIONAL CENTER FOR
VICTIMS OF CRIME,
Arlington, VA, July 21, 1999.

Hon. BILL MCCOLLUM,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE MCCOLLUM: Thank you for the invitation to comment on *The Report to the U. S. Congress Concerning a New Organizational Structure for the U. S. Department of Justice, Office of Justice Programs*, submitted March 10, 1999.

The National Center for Victims of Crime (National Center) is the largest national non-profit organization serving victims of all crime. The National Center works with nearly 10,000 public and private non-profit organizations and agencies across the country and has provided information, support, and technical assistance to hundreds of thousands of victims, victim service providers, and allied professionals.

At the outset, we recognize that the current OJP and Department of Justice administration has been extremely supportive of victims' issues. While any change in Administration presents a risk that the attention paid to victims of crime would be diminished, we believe, for the reasons outlined below, the proposed restructuring of OJP would virtually guarantee that current Congressional and Administration priorities placed on victims' issues would be diminished.

My colleagues and I have spoken with many victim advocates in the field about the reorganization. There is an emerging consensus on several issues and I will highlight what we believe to be the reorganization proposal's most significant problems.

The Office for Victim of Crime is now a separate bureau within OJP, headed by a Presidential appointee. OVC has its own grant-making authority. OVC would be diminished by moving it two levels down within the OJP structure, and it would be organizationally divorced from a substantive relationship with the formula grant-making process which dispenses approximately 97 percent of the OVC funds to the states.

We have three primary concerns about the treatment of OVC within the reorganization plan.

1. As above, the office is diminished and downgraded. Under the current structure, OVC, with a total budget of \$324,530,000, is led by a Presidential appointee who reports to the Attorney General through the Assistant Attorney General. Under the new structure, the victims' section, with a budget of approximately \$9.4 million (based on this year's discretionary grant budget), would be buried among eight other offices within a bureau. The appointee who would lead the reorganized OVC would report to the head of the Office of Criminal Justice Program Development, who in turn would report to the Assistant Attorney General. As a result, when the Assistant Attorney General would meet with bureau heads, OR's official "victim advocate" would most likely no longer be "at the table."

2. The separation of the discretionary grant program from the formula program and the consolidation of 4 formula programs in one new office frustrates the Congressional goal of creative, innovative, and effective state level programs for victims of crime. Initially, it may be appealing to imagine state agency officials having one contact for all their dealings on formula grants. However, it is, we fear, short-sighted to structure the office in such a way that the benefit of the staff's substantive expertise on victims' issues will be minimized. Congress intended that states receive expert assistance for design and implementation of VOCA supported programs. The proposed restructuring creates an orga-

nizational divide between the substantive expertise, to be located in the proposed victims' section, and the responsibility for overseeing the VOCA formula grants, which will be one of many responsibilities of the proposed formula grant section. It is no doubt wise to look for more efficient ways to transfer money to states. However, the goal of efficiency must not overshadow the Congressional intent to help states understand how to help victims of crime.

3. By requiring that the Director of OVC be a Presidential appointee and subject to Senate confirmation, Congress sent a clear and important message to victims of crime that each Presidential administration would have a victim advocate who could command the attention of those at the highest levels of government. The letter sent by Marlene Young to Laurie Robinson dated June 25, 1999, detailing NOVA's concerns about the reorganization, provides strong evidence that during those periods of history that OVC was headed by a Presidential appointee, Such leadership made a substantial difference in policy development to benefit victims of crime. Stripping this office of that level leader sends an equally powerful message: victims' issues are no longer as important. Is that the message Congress wants to send?

Recognizing that this hearing is the beginning of a process of deliberation concerning the Report's many recommendations, we look forward to working with members of this committee, your staff, and the Department of Justice to create a structure of OJP that is more efficient, accountable, and flexible without sacrificing the critical needs and concerns of victims.

Sincerely,

SUSAN HERMAN.

Mr. MCCOLLUM. We will start then with Mr. Sherman, as the first witness that I introduced.

Dr. Sherman, you are recognized.

STATEMENT OF LAWRENCE W. SHERMAN, ALBERT M. GREENFIELD PROFESSOR OF HUMAN RELATIONS, AND DIRECTOR, FELS CENTER OF GOVERNMENT, UNIVERSITY OF PENNSYLVANIA

Mr. SHERMAN. Thank you, Mr. Chairman, Honorable members.

There is a great irony that much of the controversy about this proposal has centered on the Organization of Research and Evaluation because, for 30 years, the Congress has been asking OJP and its predecessor agencies for better evaluation so that we know that we are doing things that work to fight crime, but it has never gotten it. And part of the reason it has ever gotten it is that with the allocation of funds, as between programs and research, program has been winning hands down, and there has never been a sufficient partnership between the two functions that has allowed highly rigorous and scientifically sound knowledge to accumulate to the degree that it needs to.

In the first year of the Reagan Administration, the Attorney General's Task Force on Violent Crime noted that there is a unique responsibility of the Federal Government to develop research- and evaluation-based programs and initiatives because the economies of scale were such that no other level of Government in the United States could do that. That does require an equal partnership between the people who have the ideas and the people who can do the field tests, just as a corporation has an equal partnership between the management making the money and the CPA firm verifying that they made as much as they claim they made.

If you try to run a corporation without a CPA firm, if you try to run programs without good evaluation, you are essentially flying blind and you don't know where you are going to wind up. I think that the claim that the proposal would downgrade juvenile justice

simply because it takes the research and evaluation function outside of the corporation and puts it in the hand of the CPA is misguided. I think that the evidence is that there can be a very strong partnership between the two independent agencies. Whereas, if the program agency is in control, things don't happen.

Just this very year, a disagreement between the head of the Juvenile Justice Agency and the head of the Research Agency led to a complete abortion of a multi-million dollar research program. And as long as you have that kind of independent fiefdom structure, you are going to see obstacles to accomplishing the evaluation and research that is needed to find out what works to fight crime.

I think that Assistant Attorney General Robinson's proposal would provide such a structure, it would create something that Senator Hatch has already proposed in a Senate bill, which is the housing of an Institute of Juvenile Justice Research within the National Institute of Justice so that the visibility and identity of Juvenile Justice Research remains clear. But it would certainly ensure the independence of the evaluation function from the folks who are being evaluated. I think that is a basic principle of accountability that we have in business and should have no less in government.

Moreover, the proposal would create an opportunity for research to be funded with the justification of the crime problems that are being addressed rather than the bad label that research gets with pointy-headed professors doing things just because they are curious about them. I think that Mr. Boehlert's comments are very on point here because the idea of a designated appropriation has simply not worked for the National Institute of Justice. You have seen a tripling in the funding of anti-crime programs, you have seen essentially flat funding for 25 years for the National Institute of Justice. Everybody wants to fight crime, nobody wants to do research, or at least not to talk about it as an example of what we have accomplished here in Washington.

I think if we simply say that you can't fight crime without research being an integral part of the team, if you take the 5- to 10-percent formula of set-aside out of program money, then you have got a viable possibility to create the knowledge and practical implications that Congress has been looking for for 30 years.

I think the idea of having an institute within the National Institute of Justice actually can go further than the plan presented by the Assistant Attorney General. We can have not only an Institute of Juvenile Justice Research, we can have an Institute of Police Research, which the police groups have been asking for for 25 years. We can have an Institute of Judicial Research, Prosecution Research, Victims Assistance Research. The possibilities are great, and every one of those possibilities could create a partnership with the American people with the people especially affected by those particular problems and with the professionals out in the trenches who are doing the job, and then they have a much closer linkage both to the program and to the evaluation conclusions that are being reached about those programs.

So the proposed reorganization creates possibilities that we simply don't have under this house with many add-ons that has no coherence to it. But the fundamental issue remains that if you do what, for example, Juvenile Justice has done with respect to a \$4

million mentoring program, and you appropriate \$150,000 to evaluate it in 41 different sites, at \$3,600 per site, you are trying to build a house for \$3,600, and no reputable contractor would do that for you. I think what you get for \$3,600 is a couple of bricks and the foundation, but you don't get that house.

This plan that has been put forward creates a rational decision-making process, supervised by the Assistant Attorney General, whereby the program money is going to have a certain portion to build that house, as well as to operate things inside that house.

And I think the way to get a compromise here to move forward to accomplish the goal of making OJP more effective in fighting crime and not just more efficient, the compromise might be to retain the presidential appointment status, but to reorganize the grant-making power in the way that Assistant Attorney General Robinson has suggested. That way nobody can say that these offices or functions are being downgraded in any way. And as Professor Bloomstein at Carnegie Mellon has noted, and he chaired the Advisory Committee on this reorganization of Research and Statistics, there is no other Federal research and statistics agency that does not have a presidential appointment.

Now, I don't have any evidence on whether you get more efficient or even more effective that way. The evidence I do have is that there's been a lot of concern about changing the presidential appointments.

Well, if we accept the basic structure of grant-making authority that is in the plan, but retain the symbolic value, which appears to be great, of the presidential appointment status, perhaps we have a way to move forward with a plan for creating these research partnerships, for creating visible centers of innovation and evaluation within the National Institute of Justice that would be linked in partnership to all of the program units within OJP. And for that reason, I am happy to speak in favor of this plan, perhaps with some minor tinkering.

But I am afraid that if we let this whole plan founder on the issue of reorganizing a tiny portion of this \$4 billion budget, this argument is about \$10- or \$20 million, and it would be crazy to let the whole plan die over that minor argument, especially when the larger principle at stake is the independence of the evaluation from the people being evaluated and the partnership that the Assistant Attorney General can supervise.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Sherman follows:]

PREPARED STATEMENT OF LAWRENCE W. SHERMAN, ALBERT M. GREENFIELD PROFESSOR OF HUMAN RELATIONS, AND DIRECTOR, FELS CENTER OF GOVERNMENT, UNIVERSITY OF PENNSYLVANIA

SUMMARY

What works to prevent crime? After 30 years and tens of billions of federal dollars, there is very little scientific basis for answering that question. Despite Congressional intent to achieve those answers, legislatively structured turf battles within DOJ have prevented adequate funding and coordination of innovations and evaluations. Much of the money appropriated for evaluation has been wasted, under Republican and Democratic administrations alike. Congress has asked DOJ to build solid houses, but has gotten matchbox shacks instead—with too little investment in most evaluations to withstand the battering of uncertainty about cause and effect.

The proposal for reorganizing the DOJ Office of Justice Programs is the most significant step since 1968 in solving that problem. Its centralization of research functions in one agency is an especially important step, with the recommendation that research be funded by a formula of 5 to 10 percent set-asides from programmatic funds. This is essential, for while everyone wants to see the results of research, few leaders want to say that they invested in it. The dramatic growth in action funds since 1993 has been accompanied by almost no growth in evaluation funding, which is a guaranteed method for perpetuating ignorance. In the contest between unguided action or careful research, action wins every time. Thus incorporating sound evaluation research as an inherent part of any action funds may finally solve the problem of perpetual ignorance about what works to prevent crime.

This plan contemplates an equal partnership between crime prevention program agencies and an independent research institute dedicated learning what works. Think of it as the relationship between a public corporation and a CPA. The corporation can't just claim they are making a profit; the CPA must test that theory. We should allow no less accountability in government than in business.

Mr. Chairman, Honorable Members of the subcommittee, thank you for the opportunity to speak to you today. As a member of the OJP's independent Committee to Design the Structure of a Justice Research and Statistics Program in the Department of Justice, and as the senior author of the 1997 Congressionally-mandated University of Maryland report, PREVENTING CRIME: WHAT WORKS, WHAT DOESN'T, WHAT'S PROMISING?, I am deeply concerned about the issues before us here today. I come to speak in favor of Assistant Attorney General Robinson's proposal, especially with regard to the plan for centralization of research and statistics.

Many of the reasons for my support are included in chapter ten of the 1997 PREVENTING CRIME REPORT, which recommended a plan very similar to the current proposal for research and statistics. This chapter, which is available at www.preventingcrime.org, reviews the long history of waste and failure to achieve a strong program of scientific evaluation within the Law Enforcement Assistance Administration and its successor agencies. It also shows how the evaluation function has been handicapped by the dominance of the program agencies that controlled all the money. It is fair to say that program agencies have generally seen the purpose of evaluation as justification of the programs they supported, rather than as an investigation of whether good evidence showed that the program was working or not. More often than not, multimillion dollar programs have been launched before evaluations could be designed, with evaluators forced to tag behind programs looking for crumbs of relevant data.

As James Q. Wilson and his working committee concluded early in President Reagan's administration, it is one of the unique functions of the federal government to find out what works to prevent crime. The total state and local criminal justice budget in this great nation is over \$100 billion per year, which makes the \$4 billion in federal aid a drop in the bucket. But if that \$4 billion was invested in advising state and local governments how best to spend their \$100 billion, that drop in the bucket could guide all spending to more effective policies.

This is what the Attorney General's Task Force on Violent Crime said in 1981 (p. 73):

... the federal government has a unique responsibility to conduct research on criminal justice issues to develop creative programs based on research findings, to test and evaluate these programs rigorously.

Despite this conclusion, the federal government has rarely played this role. The current proposal could finally make that happen. But in order for it to succeed, we must address three key issues:

- 1) *the role of juvenile programs*
- 2) *the role of institutes within the National Institute of Justice*
- 3) *the formula for funding evaluation research*

1. THE ROLE OF JUVENILE PROGRAMS

You will hear it said that this proposal downgrades and "buries" juvenile justice programs within OJP. It does not. It empowers the director of OJJDP to work with the Director of the National Institute of Justice on equal footing, in order to identify key areas of need for knowledge and to design strong research to create that knowledge.

There is no "downgrading" in the importance of juvenile justice in a structure that separates program development (the "ideas people") from program evaluation (the

"field testing" people). That is how General Motors works, and that is how OJP's juvenile justice can work. If anything, there will be more funding for juvenile justice in coming years than for any other mission of OJP. Insuring that such funds are spent wisely can best be achieved by a partnership between an independent evaluation agency—the Institute of Juvenile Justice housed within the National Institute of Justice—and the program agency, OJJDP.

The emotional and symbolic issues associated with presidential appointment status are not my concern. I have no evidence on which to base any conclusions about the effect of such a change.

I do have evidence that the proposed equal partnership between ideas and field testing, between NIJ and OJJDP, can create far better data about what works to prevent crime. On the rare occasions when program agencies have agreed to work with NIJ as an equal partner, we have seen excellent results. When BJA funded the first Weed and Seed program in Kansas City (MO), for example, NIJ was invited in on the ground floor and designed an independent evaluation before the program started. The result was a well-measured 50% reduction in gun crime in the funded patrol beat, compared to the control area (Sherman, Shaw and Rogan, *THE KANSAS CITY GUN EXPERIMENT*. NIJ Research in Brief, 1995).

Such equal partnerships have been all too rare. AAG Robinson's proposal would make them the standard operating procedure of OJP. The wisdom of this approach is not just its contrast to the current system of foxes guarding the chicken coop. It is also akin to the contractor telling you how much it is really going to cost to build a house, rather than what you want it to cost.

A recent example of this is the 1996 OJJDP decision to spend \$150,000 to evaluate a \$4 million mentoring program operating in 41 different organizations, or about \$3,600 per grantee. Any decent contractor will tell you that you can't build a house for \$3,600. And an independent research agency will tell you that you can't do a valid crime prevention evaluation of a mentoring program for \$3,600 (*PREVENTING CRIME*, p. 3-37). Not every program needs an evaluation. Not every program can afford an evaluation. But it is better to do no evaluation at all than to waste millions on evaluations that can tell you nothing.

This proposal will not weaken juvenile justice in America. It will make it stronger through better research on what works.

2. THE ROLE OF INSTITUTES WITHIN NIJ

It is important to note that the AAG's proposal includes a separate Institute of Juvenile Justice Research within NIJ. The Committee I served on recommended that this institute be one of many within an overall National Institute, just as NIH has many component institutes for specific problems. The history of NIH suggests that problem-focused institutes help to clarify and hold accountable the ways in which NIH spends its research, so that even basic research can be tied to solving a concrete problem.

This committee could take the idea even further, and provide statutory authorization for NIJ to be composed of the following:

- Institute for Police Research
- Institute for Prosecution Research
- Institute for Judicial Research
- Institute for Correctional Research
- Institute for Juvenile Justice Research
- Institute for Prevention Research
- Institute for Victim Assistance Research

Each of these component institutes within NIJ would provide a focus for both the external constituencies providing comment and advice, and internal partnerships with program offices within OJP.

3. SET-ASIDE RESEARCH FUNDING

Funding alone cannot guarantee good science. The proposed reorganization creates an equal partnership that can spend available funds more effectively. But NIJ will never have sufficient funds unless its resources are tied to the action agencies. Congress may even wish to consider funding NIJ entirely on a formula basis, so that there is less confusion about how NIJ is funded. If the statutory formula is that NIJ receives 10 percent of all action program appropriations, the Congress will finally be paying for what it wants: houses instead of matchboxes, major breakthroughs in knowledge about crime prevention, and a track record that looks more like NIH than the Department of Education. The program offices in OJP would still influence

the choice of topics, and help the AAG decide how to set priorities. But it is only by holding the AAG accountable that the \$4 billion or more per year can be spent wisely. It is only by adopting this plan that such accountability can be made realistic.

Thank you again for the opportunity to speak to you.

BIOGRAPHY

EDUCATION:

Yale University (Sociology), M.A. 1974, Ph.D., 1976
 Cambridge University, Diploma in Criminology, 1973
 University of Chicago (Social Science), M.A., 1970
 Denison University (Political Science), B.A. High Honors, 1970

HONORS:

Phi Beta Kappa
 Distinguished Scholarship Award in Crime, Law and Deviance, American Sociological Association, 1993
 Bruce Smith Sr. Award, Academy of Criminal Justice Sciences, 1994
 Fellow, American Society of Criminology, elected 1994
 Edwin H. Sutherland Award, American Society of Criminology, 1999
 President, Scientific Commission, International Society of Criminology, 1995-99
 Fellow, Academy of Experimental Criminology, 1999

ACADEMIC EMPLOYMENT:

University of Pennsylvania
 Albert M. Greenfield Professor of Human Relations, 1999-present
 Director, Fels Center of Government, 1999-present
 Professor of Sociology, 1999-present
 University of Maryland, College Park
 Jerry Lee Research Professor of Criminology, 1999-present
 Distinguished University Professor, 1999 Chair, Department of Criminology and Criminal Justice, 1995-99
 Professor of Criminology, 1984-99
 Associate Professor, 1982-84.
 Australian National University, Research School of Social Sciences Adjunct, Professor of Law, 1994-present
 Rutgers University, Graduate School of Criminal Justice
 Seth Boyden Distinguished Visiting Professor, 1987
 University at Albany, Graduate School of Criminal Justice
 Associate Professor, 1979-82
 Assistant Professor, 1976-1979
 Yale University, Associate-in-Research, Dept. of Sociology 1974-76

OTHER EMPLOYMENT:

Crime Control Research Corporation, Philadelphia
 President, 1981-present
 Police Foundation, Washington, D.C.
 Vice President and Director of Research, 1984-1985

SELECTED PUBLICATIONS

Lawrence W. Sherman, Denise Gottfredson, Doris MacKenzie, John Eck, Peter Reuter, and Shawn D. Bushway. 1997. *Preventing Crime: What Works, What Doesn't, What's Promising*. Report to the U.S. Congress. Washington, D.C.: U.S. Dept. of Justice, 655 pp.

Lawrence W. Sherman, *Policing Domestic Violence: Experiments and Dilemmas*. N.Y.: Free Press, 1992. (Winner of 1993-94 Distinguished Scholarship Award, American Sociological Association, Section on Crime, Law and Deviance).

Lawrence W. Sherman and Douglas A. Smith, "Crime, Punishment and Stake in Conformity: Legal and Informal Control of Domestic Violence." *Am. Sociological Review* 57(5): 680-690 (1992).

Lawrence W. Sherman and Richard A. Berk, "The Specific Deterrent Effects of Arrest for Domestic Assault," *Am. Sociological Review*, 49(2): 261-272 (1984)

Lawrence W. Sherman, Patrick R. Gartin, and Michael E. Buerger, "Hot Spots of Predatory Crime: Routine Activities and the Criminology of Place" *Criminology* 27: 27-55 (1989).

Lawrence W. Sherman, *Scandal and Reform: Controlling Police Corruption*. Berkeley: University of California Press (1978) 304 pp.

- "Execution Without Trial: Police Homicide and the Constitution," *Vanderbilt Law Review* 33, 1:71-100 (1980). [Cited by U. S. Supreme Court in *Tennessee v. Garner*, 1985]
- "Reducing Police Gun Use: Critical Events, Administrative Policy and Organizational Change," pp. 98-125 in Maurice Punch, Ed., *Control in the Police Organization*. Cambridge, Massachusetts: M.I.T. Press. (1983) [Cited by U.S. Supreme Court in *Tennessee v. Garner*, 1985]

FUNDED RESEARCH

Over \$10 million in support from National Institute of Mental Health, National Science Foundation, National Institute of Justice, Ford Foundation, National Endowment for the Humanities, Smith Richardson Foundation, McKnight Foundation, Dayton-Hudson Corp., Australian Department of Health, Australian Criminological Research Council, Maryland Governor's Office of Crime Control and Prevention, Police Departments of Minneapolis, Milwaukee, Kansas City (MO), Indianapolis, Prince George's County (MD), Honeywell, General Mills, and Jerry Lee Foundations.

SELECTED SERVICE ACTIVITIES

Chair, Philadelphia Police Department, Quality Assurance Review Committee, 1998-99; Member, Advisory Board, FBI Academy, Behavioral Sciences Unit, 1997-present; Deputy Editor, *Journal of Criminal Law and Criminology*, 1990-95; Associate Editor, *Criminology*, 1984-87, 1987-90; National Academy of Sciences-National Research Council 1982, 87-88, 93, 97.

Federal Grant Disclosure—Current and Preceding Two fiscal years

Lawrence W. Sherman has served as principal investigator on two grants from the National Institute of Justice in the last two fiscal years, both in amounts of approximately \$200,000, and both awarded to the University of Maryland. One grant was entitled PREVENTING CRIME: WHAT WORKS, WHAT DOESN'T WHAT'S PROMISING. A Report to the U.S. Congress. The other grant is entitled "Community Justice Conferences."

Mr. MCCOLLUM. Thank you, Dr. Sherman.
Our next witness is Judge Anderegg.

STATEMENT OF MICHAEL L. ANDEREGG, JUDGE, MARQUETTE COUNTY CIRCUIT COURT, MI

Mr. ANDEREGG. Mr. Chairman, the first person who springs to mind when you are talking about reorganization of the Justice Department is not a practicing judge from a small midwestern jurisdiction.

Mr. MCCOLLUM. I can hear you very well, but the reporter needs the microphone, I think, and maybe the audience does. Thank you, Judge.

Mr. ANDEREGG. I was saying that the first person who springs to mind in getting advice about reorganizing the Justice Department is not necessarily a juvenile judge from a small midwestern jurisdiction. But on further reflection, there is some logic to that. I am an experienced juvenile judge. I have been a juvenile judge for 23 years, and I would like to correct the record. I was not the chair of the Juvenile Justice Committee from Michigan. I do know the chair, and she would skin me if I represented myself that way. [Laughter.]

Mr. ANDEREGG. But I am here representing, in essence, the customers of the Justice Department when it comes to juvenile justice, especially, but some other issues that the National Council is concerned about also, such as domestic violence and abuse and neglect.

And your customers are telling you that we are getting extremely practical and useful products from the Office of Juvenile Justice and Delinquency Prevention currently, and I have brought some examples which I will leave with you.

The people who have publicly supported this reorganization plan are not so evident. Dr. Sherman's report does support it. The Assistant Attorney General has indicated that 50 groups, organizations and individuals were involved in formulating the recommendations, but who those people are is not something that is very well known, and the groups that have publicly taken positions about this have opposed it. The juvenile judges—or at least portions of it, not entirely, certainly. The juvenile judges, the juvenile prosecutors, the juvenile probation people and court administrators and some of the other individuals concerned with violence against women have all expressed public concern about this reorganization plan. And any corporation that reorganizes its management without listening to its customers soon won't have to worry about its management. [Laughter.]

Mr. ANDEREGG. In terms of research, the point of view that I would like to bring to your attention is that when you do research, it is often very useful to have various perspectives and to do different types of research so that you can compare them. And the example that you have heard here about juvenile gangs is a good example in that regard. There has been separate research on the issue of youth gangs, but those people have cooperated with each other and learned from each other. And a discussion has been stimulated by that difference.

I would also like to direct your attention to the difference between applied research and academic research. Those of us who do this work are concerned that we need to be able to shout pretty loud from the ground to be heard in an ivory tower about research. And I think that there is a distinction that we would like to call to your attention between evaluation of programs and research. The kind of research that is currently being done in this field often informs further demonstration projects and arises from training. And that is what we think of as applied research, and again, we think that OJJDP has done a very good job of that.

There has been a lot of discussion about the overlap of function here, overlap and inefficiency. I understand that these resources have always been and probably will continue to be scarce, and we don't want to waste them. On the other hand, to some extent what we are talking about when we talk about overlap and inefficiency here is, on one hand, the potential that the existing organization, such as the National Institute of Justice, have to do this work and the actuality of the work that has been done by the Office of Juvenile Justice and Delinquency Prevention.

As a practicing judge and as a member of the National Council of Juvenile Family Court Judges, when we need research and information about juvenile justice, we know where to go, and these other organizations that are part of the greater whole, while they may have the potential to do this work, have not actually done all that much of it. And that is what concerns us about the future reorganization if this goes into effect.

Our position is consistent with the position that the House of Representatives has already adopted in H.R. 1501, and we would like to remind you of that also. I was interested to hear Congressman Boehlert, when he was talking about this new center or

project regarding technology, and the thought that came to mind was hearing President Reagan saying, "There you go again."

The reason that this organizational chart is messy and has all of these boxes is because over time Congress has felt that some of these specific subject areas have not received the kind of attention that they should have, and Congress has responded by creating these individual perspectives.

I do have some resolutions that I would like to leave you with, and I would be happy to answer questions or furnish further information.

Thank you.

[The prepared statement of Judge Anderegg follows:]

PREPARED STATEMENT OF MICHAEL L. ANDEREGG, JUDGE, MARQUETTE COUNTY
CIRCUIT COURT, MI

CHAIRMAN McCOLLUM, MR. SCOTT, MEMBERS OF THE SUBCOMMITTEE, THE NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES (NCJFCJ) IS HONORED TO HAVE THIS OPPORTUNITY TO TESTIFY TODAY AT YOUR REQUEST ON THE PROPOSED REORGANIZATION OF THE JUSTICE DEPARTMENT'S OFFICE OF JUSTICE PROGRAMS (OJP). WE ARE ESPECIALLY ANXIOUS TO ADDRESS THE EFFECT THIS REORGANIZATION WOULD HAVE ON THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION (OJJDP), THE PROGRAMS ADMINISTERED BY THE OFFICE, AND PRACTITIONERS IN THE FIELD.

MY NAME IS MICHAEL ANDEREGG. I AM THE PRESIDING JUDGE OF THE FAMILY DIVISION OF THE MARQUETTE COUNTY CIRCUIT COURT LOCATED IN MARQUETTE, MICHIGAN. MY JURISDICTION IS A LARGE RURAL COUNTY ON THE SOUTH SHORE OF LAKE SUPERIOR IN MICHIGAN'S UPPER PENINSULA. I AM AN ELECTED JUDGE. THIS YEAR MARKS MY TWENTY-THIRD YEAR OF SERVICE AS A JUVENILE JUDGE. EARLIER IN MY CAREER, I WAS A DEFENSE ATTORNEY IN JUVENILE CASES AND A PROSECUTOR IN JUVENILE COURT.

I AM THE CHAIRMAN OF THE FEDERAL LEGISLATION COMMITTEE OF THE NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES. THE NATIONAL COUNCIL IS A 62-YEAR-OLD NON-PROFIT ORGANIZATION WHOSE MEMBERSHIP INCLUDES STATE COURT JUDGES AND OTHER PROFESSIONALS WHO ARE INTERESTED AND INVOLVED IN JUVENILE AND FAMILY COURT ISSUES.

WE ARE THE LARGEST ORGANIZATION OF JUDGES THAT DEALS WITH JUVENILE DELINQUENCY, CHILD ABUSE AND NEGLECT, FAMILY VIOLENCE, DOMESTIC RELATIONS, AND CHILD SUPPORT. OUR MEMBERS COME FROM 49 STATES, THE DISTRICT OF COLUMBIA, AND SEVERAL TERRITORIES.

OUR SUBJECT MATTER JURISDICTION ENCOMPASSES THE FASTEST-GROWING AREAS OF THE LAW, AND INCLUDES NOT ONLY DELINQUENCY BUT ALSO NON-CRIMINAL MISBEHAVIOR (STATUS OFFENSES); DEPENDENCY (CHILD ABUSE AND NEGLECT); CHILD CUSTODY, SUPPORT, AND VISITATION; MENTAL ILLNESS AND OTHER DISABILITIES AND CRIMES COMMITTED WITHIN THE FAMILY. CONGRESS AND THE ADMINISTRATION HAVE BEEN ACTIVE PARTICIPANTS IN SHAPING AND FUNDING INITIATIVES THAT DIRECTLY AFFECT THE WORK AND CASELOADS OF OUR MEMBER JUDGES.

FROM THE FOUNDING OF NCJFCJ IN 1937, TRAINING AND TECHNICAL ASSISTANCE HAVE BEEN AMONG THE ORGANIZATION'S MOST IMPORTANT MISSIONS. IN THE PAST YEAR ALONE, TRAINING SPONSORED OR CO-SPONSORED BY THE COUNCIL WAS PROVIDED TO MORE THAN 25,000 INDIVIDUALS. MANY OF OUR TRAINING PROGRAMS WERE ASSISTED BY FEDERAL GRANT FUNDING. APPENDIX A CONTAINS BAR GRAPHS SHOWING THE RECENT HISTORY OF COUNCIL TRAINING PROGRAMS. WE WOULD BE HAPPY TO FURNISH ANY OF YOU WITH ADDITIONAL INFORMATION ABOUT COUNCIL TRAINING PROGRAMS UPON REQUEST.

AS A LONG TIME MEMBER OF THE NATIONAL COUNCIL, I HAVE HAD THE OPPORTUNITY TO OBSERVE THE DEVELOPMENT OF FEDERAL EFFORTS TO ASSIST STATE AND LOCAL COURTS IN DEALING WITH DELIN-

QUENT, ABUSED, AND NEGLECTED YOUNG PEOPLE. DURING MY EIGHT YEARS ON NCJFCJ'S BOARD OF TRUSTEES, I HAVE RECEIVED REPORTS ABOUT THE WHOLE RANGE OF COUNCIL PROGRAMS AND UPDATES ABOUT ACTIVITIES OF OTHER RELATED ORGANIZATIONS.

FOR THE PAST FIFTEEN YEARS, I HAVE BEEN A MEMBER OF THE TECHNICAL ASSISTANCE ADVISORY COMMITTEE THAT OVERSEES THE EXPENDITURE OF FEDERAL FUNDS, PRIMARILY FROM OJJDP, DESIGNATED TO PROVIDE TECHNICAL ASSISTANCE TO JUDGES AND OTHER JUVENILE COURT PROFESSIONALS THROUGHOUT THE UNITED STATES. MY COURT HAS USED AND BENEFITTED FROM THIS TECHNICAL ASSISTANCE, AND I HAVE SERVED AS A TECHNICAL ASSISTANCE PROVIDER TO JUVENILE COURTS IN OTHER STATES.

I HAVE ALSO SERVED FOR SIX YEARS AS A MEMBER OF GOVERNOR ENGLER'S STATE ADVISORY GROUP, HELPING TO OVERSEE FEDERAL JUVENILE JUSTICE FUNDS UNDER TITLE II, PART B (FORMULA GRANTS) AND PART G (STATE CHALLENGE), AND TITLE V PREVENTION FUNDING TO THE STATE OF MICHIGAN.

IN MY PERSONAL VIEW, AND IN THE VIEW OF MY COLLEAGUES BOTH WITHIN AND OUTSIDE THE NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES, THE PROPOSED REORGANIZATION OF THE OFFICE OF JUSTICE PROGRAMS ADDRESSES INTERNAL ORGANIZATIONAL PROBLEMS WITHIN THE JUSTICE DEPARTMENT. HOWEVER, KEY PROVISIONS WOULD DO SO AT THE EXPENSE OF THE STATE AND LOCAL PRACTITIONERS WHOM THE FEDERAL JUVENILE JUSTICE EFFORT IS DESIGNED AND INTENDED TO ASSIST.

WHILE THERE ARE PROVISIONS IN THE PLAN THAT WE CAN SUPPORT, OUR OPPOSITION TO THE REORGANIZATION PLAN IS BASED, TO A SIGNIFICANT DEGREE, ON OUR STRONG BELIEF THAT THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, AS CURRENTLY STRUCTURED, HAS DONE A BETTER AND BETTER JOB OF HELPING PRACTITIONERS, SINCE ITS CREATION IN 1974. OJJDP HAS PROVIDED PRACTITIONERS WITH ACCURATE AND USEFUL STATISTICS, TIMELY RESEARCH, NEEDED TRAINING AND TECHNICAL ASSISTANCE FUNDS TARGETING ON EMERGING SYSTEM NEEDS, AS WELL AS HELPFUL INFORMATION ABOUT SUCCESSFUL AND PROMISING PROGRAMS.

IN ITS EARLY YEARS, THE OFFICE FOCUSED ON THE PROTECTION OF JUVENILE OFFENDERS AS THEIR CASES WERE BEING PROCESSED IN STATE COURTS. OJJDP'S ORIGINAL FOCUS HAS BROADENED TO INCLUDE PUBLICATIONS THAT COVER EVERYTHING FROM MODELS FOR SOUND PROBATION PRACTICE TO RESOURCE GUIDELINES FOR COURTS THAT ARE INVOLVED IN PROCESSING ABUSE AND NEGLECT CASES. OJJDP HAS PUBLISHED YEARLY UPDATES SINCE 1995 ON JUVENILE VIOLENCE ACROSS THE NATION AND A COMPREHENSIVE STRATEGY FOR DEALING WITH SERIOUS, VIOLENT AND CHRONIC JUVENILE OFFENDERS THROUGH A CONTINUATION OF PREVENTION, EARLY INTERVENTION AND GRADUATED SANCTIONS PROGRAMS.

THE JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT PROGRAM, DESIGNED TO ASSIST STATES IN HOLDING JUVENILE OFFENDERS ACCOUNTABLE AND TO PROVIDE MEANINGFUL SANCTIONS FOR JUVENILE OFFENDERS HAS ALSO BEEN EFFECTIVELY ADMINISTERED THROUGH OJJDP.

THE NATIONAL COUNCIL IS PROUD TO HAVE BEEN A PARTNER IN THE GROWTH IN SIZE AND QUALITY OF THE FEDERAL JUVENILE JUSTICE EFFORT. WE RECOGNIZE THAT THE GROWTH OF OJP FROM AN OFFICE FUNDED AT THE LEVEL OF ABOUT \$800 MILLION IN 1993 TO THE LEVEL OF NEARLY \$4 BILLION TODAY IS BOUND TO HAVE CREATED SOME "GROWING PAINS." HOWEVER, WE FEEL THAT CONGRESS AND THE ADMINISTRATION SHOULD LISTEN CAREFULLY TO THE OPINIONS OF THE PEOPLE THESE PROGRAMS ARE DESIGNED TO HELP. WHILE IT MAY, ON THE SURFACE, MAKE ADMINISTRATIVE SENSE TO INTEGRATE THE VARIOUS ADMINISTRATIVE FUNCTIONS OF THE JUVENILE JUSTICE EFFORT INTO OJP'S CRIMINAL JUSTICE PROGRAMS, THE AGENCY'S "CUSTOMERS" ARE TELLING YOU THAT THEY VALUE THE CURRENT INTEGRATION OF SUBSTANTIVE FUNCTIONS WITHIN OJJDP (BASIC AND APPLIED RESEARCH; STATISTICS; PROGRAM DEVELOPMENT; TESTING AND DEMONSTRATION; EVALUATION; TRAINING; TECHNICAL ASSISTANCE; AND REPLICATION AND INFORMATION DISSEMINATION), AND THAT IT IS NOT EFFICIENT FOR US TO HAVE TO GO TO THREE (OR MORE) OJP OFFICES

IN THE FUTURE WHEN WE ARE ABLE TO ACCESS THE FULL RANGE OF SERVICES FROM ONE OFFICE NOW.

THE ORGANIZATIONAL STRUCTURE THAT EXISTS WITHIN OJP TODAY WAS CREATED BECAUSE CONGRESS RECOGNIZED, AT CERTAIN TIMES, THAT IMPORTANT ISSUES, LIKE JUVENILE CRIME, DOMESTIC VIOLENCE, AND VICTIMS RIGHTS WERE NOT RECEIVING THE PRIORITY ATTENTION THEY MERITED WHEN THESE ISSUES WERE ONLY A SMALL PART OF THE AGENDA OF A MUCH LARGER AND MORE DIVERSE CRIMINAL JUSTICE AGENCY. THE CONGRESSIONAL RESPONSE TO THESE CONSTITUENCIES WAS TO CREATE SPECIALIZED OFFICES WITHIN THE LARGER AGENCY, STAFFED BY PROGRAM EXPERTS AND HEADED BY PRESIDENTIAL AP-POINTEES TO PROVIDE ACCOUNTABILITY AND VISIBILITY. TO THE EXTENT THAT THE REORGANIZATION PLAN DIVIDES THE AGENCY BY FUNCTIONS RATHER THAN PROGRAM, IT WILL RESULT IN LESS-FOCUSED EMPHASIS ON THESE CRITICAL SPECIALIZED SUBJECT AREAS. THIS APPEARS TO BE ESPECIALLY TRUE FOR OJJDP, WHERE ONE ESTIMATE IS THAT THE NEW ADMINISTRATIVE STRUCTURE WOULD RESULT IN THE TRANSFER OF UP TO 75% OF THE FUNDS NOW ADMINISTERED BY OJJDP TO OTHER OJP OFFICES.

THE PROPOSED REORGANIZATION PLAN IS AT ODDS WITH THE STRUCTURE OF OJJDP CONTAINED IN H.R. 1501, WHICH WAS APPROVED BY THE HOUSE OF REPRESENTATIVES. THE STRUCTURE PROPOSED IN H.R. 1501, IN CREATING A CLEAR LINE OF AUTHORITY BETWEEN THE ADMINISTRATION, THE ASSISTANT ATTORNEY GENERAL OF OJP, AND THE ATTORNEY GENERAL, MAKES SENSE.

ONE OF THE JUSTIFICATIONS SET FORTH IN THE ASSISTANT ATTORNEY GENERAL'S REPORT ON REORGANIZATION IS THAT THE REORGANIZATION WOULD ELIMINATE "OVERLAP IN MISSION AND RESPONSIBILITIES" AND PROVIDE COORDINATION OF A BROAD SPECTRUM OF OVERLAPPING PROGRAM INITIATIVES. THE EXISTING AND REVISED ORGANIZATIONAL CHARTS FOR THE OFFICE OF JUSTICE PROGRAMS ARE ATTACHED AS APPENDIX B.

FROM APPENDIX B, IT IS POSSIBLE TO FORESEE THE POTENTIAL COMPLICATIONS AND RESULTING INEFFICIENCY THAT COULD RESULT IF THIS PLAN BECOMES EFFECTIVE. INEFFICIENCIES COULD ARISE WHEN, FOR EXAMPLE, STAFF OVERSEEING A MODEL PROGRAM GRANT WOULD BE REQUIRED TO GO TO A PUBLICATIONS OFFICE TO PERSUADE THEM TO DISSEMINATE INFORMATION ABOUT A PROGRAM, TO A RESEARCH OFFICE TO SECURE AN EVALUATION, AND TO A STATISTICAL OFFICE TO OBTAIN INFORMATION FOR INCLUSION IN THAT OFFICE'S WORK, AND TO A TRAINING AND TECHNICAL ASSISTANCE OFFICE TO ACCESS EXPERTISE NEEDED TO IMPLEMENT THE PROGRAM. WHAT IS BEING PROMOTED AS A REORGANIZATION DESIGNED TO ELIMINATE ADMINISTRATIVE PROBLEMS COULD, IN PRACTICE, CREATE ADDITIONAL ADMINISTRATIVE PROBLEMS WITHIN THE AGENCY ITSELF, AS WELL AS PROVIDING LESS EFFICIENT HELP TO STATE AND LOCAL PRACTITIONERS.

H.R. 1501 WOULD RETAIN OJJDP'S AUTHORITY TO SET THE RESEARCH/EVALUATION AND STATISTICS AGENDAS AND DETERMINE THE APPROPRIATE LEVEL OF FUNDING. WE THINK THIS FEATURE OF THE BILL IS CRUCIAL.

HOWEVER, AN ALTERNATE SOLUTION, TO THE EXTENT THE TRANSFER OF RESEARCH/EVALUATION AND STATISTICS FUNCTIONS IS DESIGNED TO ELIMINATE DUPLICATION AND OVERLAP, WOULD BE TO ELIMINATE THE AUTHORITY THAT THE NATIONAL INSTITUTE OF JUSTICE AND THE BUREAU OF JUSTICE STATISTICS CURRENTLY HAVE TO INVOLVE THEMSELVES IN JUVENILE JUSTICE ISSUES. THIS SOLUTION WOULD NOT ACTUALLY RESULT IN MUCH OF A CHANGE FROM THE EXISTING SITUATION, BECAUSE HISTORICALLY THE KIND OF "PURE RESEARCH" DONE BY THE NATIONAL INSTITUTE OF JUSTICE HAS BEEN LESS USEFUL TO JUVENILE JUSTICE PRACTITIONERS THAN THE BASIC AND APPLIED RESEARCH BEING DONE BY OJJDP. IN ADDITION, THE LARGE NATIONAL STATISTICAL PROFILES AND NATIONAL AVERAGES HISTORICALLY DONE BY BJS HAVE NOT BEEN OF LESS UTILITY TO PRACTITIONERS BECAUSE OF THE TIME NEEDED TO GENERATE THESE REPORTS. PROBLEMS ALSO ARISE BECAUSE THESE REPORTS DO NOT ALLOW THE BREAKOUT OF DATA ON A JURISDICTION BY JURISDICTION BASIS WHICH OJJDP'S STATISTICAL INFORMATION CENTER (MUCH OF IT DESIGNED BY THE NATIONAL COUNCIL'S NATIONAL CENTER FOR JUVENILE JUSTICE) NOW ALLOWS.

TO SUMMARIZE, THE NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES HAS CONSISTENTLY OPPOSED THE TRANSFER OF RESPONSIBILITY FOR RESEARCH AND EVALUATION, TRAINING AND TECHNICAL ASSISTANCE, OR STATISTICS TO ANY OTHER OFFICE OR BUREAU OUTSIDE OJJDP. WE BELIEVE THAT SUCH A TRANSFER WOULD BE:

LESS EFFICIENT FOR PRACTITIONERS SEEKING FEDERAL INFORMATION SERVICES, FUNDING;

LESS LIKELY TO MAINTAIN THE EXISTING EMPHASIS AND EXISTING FUNDING FOR SPECIALIZED SUBJECT AREAS, LIKE JUVENILE CRIME, CHILD ABUSE, AND DOMESTIC VIOLENCE;

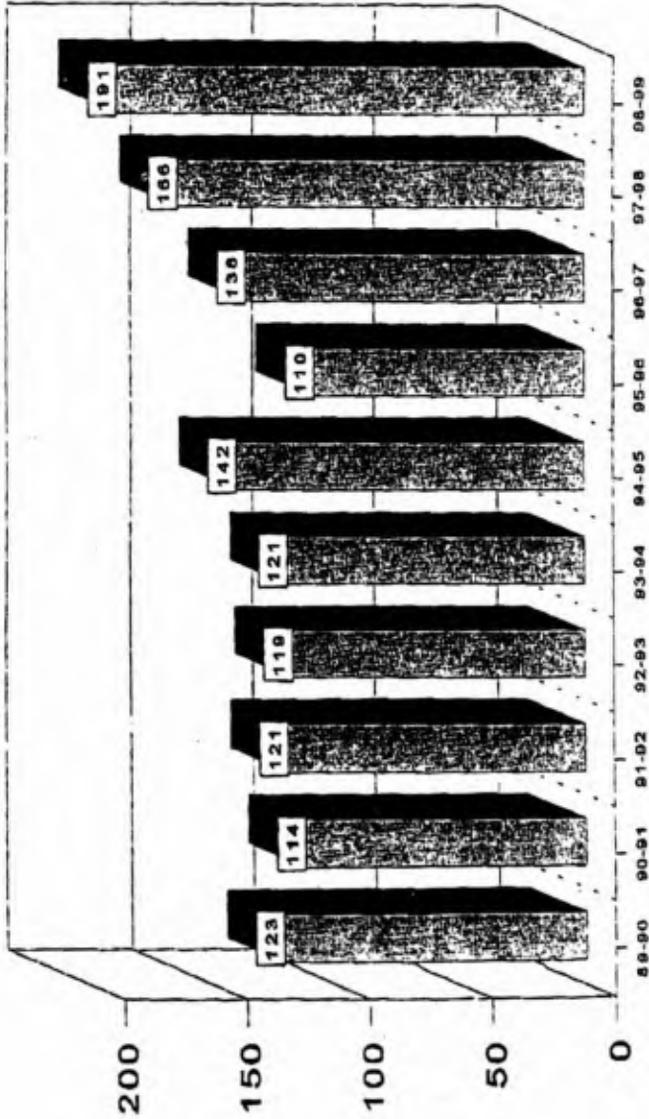
WE BELIEVE THE CURRENT STRUCTURE OF OJJDP HAS PROVEN TO BE EFFECTIVE IN INTEGRATING RESEARCH WITH PROGRAM DEVELOPMENT, HAS PRODUCED TIMELY AND USEFUL PRODUCTS, AND HAS BEEN CITED AS A "MODEL" OF HOW THE OFFICE OF JUSTICE PROGRAMS SHOULD OPERATE BY THE ASSISTANT ATTORNEY GENERAL HERSELF AS RECENTLY AS JUNE OF THIS YEAR.

OUR POSITION IS CONSISTENT WITH THE PUBLIC POSITIONS OF JUVENILE PROSECUTORS, JUVENILE PROBATION OFFICERS, AND JUVENILE COURT ADMINISTRATORS, AS WELL AS A LARGE NUMBER OF OTHER "CONSUMER GROUPS."

MR. CHAIRMAN, MR. SCOTT, MEMBERS OF THE SUBCOMMITTEE, WE APPRECIATE YOUR INVITING NCJFCJ HERE TODAY. OUR ORGANIZATION STRONGLY SUPPORTS THE NEW PROGRAMS ESTABLISHED UNDER H.R. 1501. ANY PROPOSED REORGANIZATION OF THE OJP, HOWEVER, PARTICULARLY AS IT WOULD IMPACT OJJDP, NEEDS THOROUGH STUDY IN THE HOUSE AND SENATE AUTHORIZING COMMITTEE AND SUBCOMMITTEE BEFORE ANY CONGRESSIONAL ACTION IS TAKEN. AT YOUR REQUEST, WE ARE AVAILABLE TO PROVIDE ADDITIONAL INFORMATION OR APPROPRIATE ASSISTANCE.

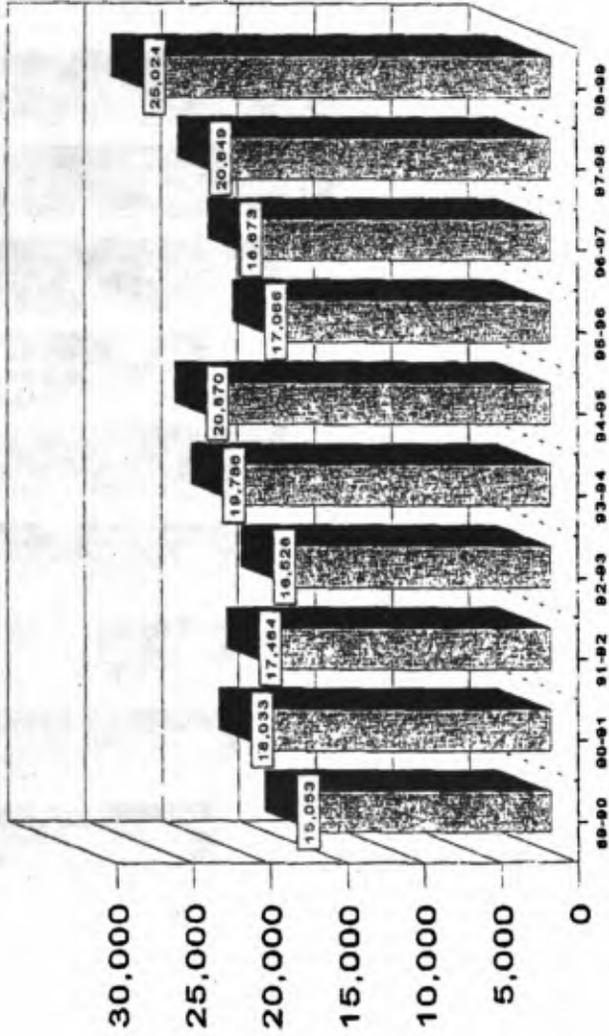
NUMBER OF NCJFCJ TRAINING PROGRAMS

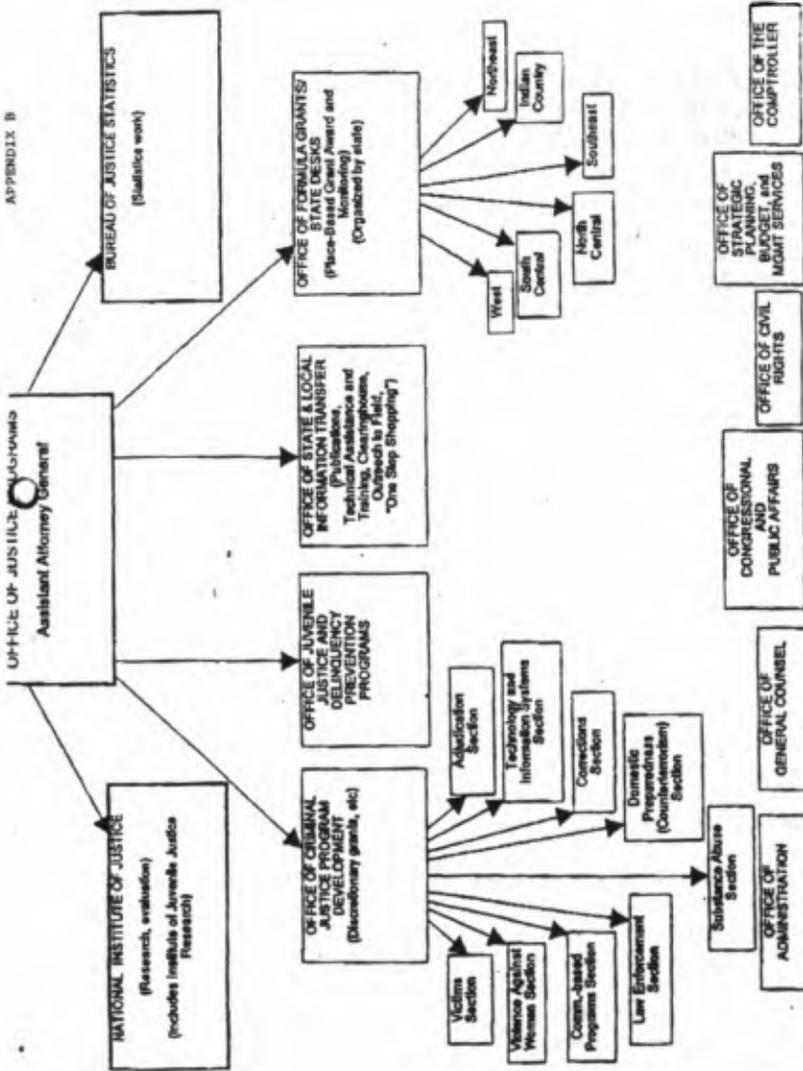
1989-1999



PARTICIPANTS TRAINED
Juvenile Court Judges, Prosecutors, Defense Counsel, Probation Officers
and Other Juvenile Justice Personnel

1989-1999





Mr. McCOLLUM. Thank you very much, Judge Anderegg.
Mr. Myers, you are recognized for 5 minutes.

**STATEMENT OF JOSEPH MYERS, EXECUTIVE DIRECTOR,
AMERICAN INDIAN JUSTICE CENTER AND BOARD MEMBER,
NATIONAL ORGANIZATION FOR VICTIMS ASSISTANCE**

Mr. MYERS. Thank you, Mr. Chairman, Mr. Scott, Mr. Barr.

Actually, my testimony is sort of a collective effort for the board of directors of NOVA, and also the staff. Marlene Young couldn't be here today, so I am substituting.

Mr. McCOLLUM. Excuse me. You need to pull that mike more toward you. That is fine. Thanks.

Mr. MYERS. So I was given the opportunity to come here and present our thoughts to you.

I just wanted to say a couple of personal things with regard to the issue of crime victims and the response of the Federal Government to these issues.

Many years ago on an Indian reservation in the Dakotas, there was a major crime that was committed by one Indian against another, and the tribal criminal justice system provided that the perpetrator provide for the survivors of the person he killed. This guy wasn't hung, as they did in those days to people who committed these crimes. The territorial authorities were upset about this, and wanted him to pay for his capital crime by hanging. The case got to the Supreme Court, and the court ruled that this was an internal tribal matter, and the tribal government had exclusive jurisdiction over the matter.

A couple of years later, the Major Crimes Act was enacted to provide for Federal jurisdiction over major crimes committed by Indians against Indians on Indian reservations. It is interesting that the tribal concern at that time was for the crime victims, the survivors of the crime.

In the 1960's, I was a police officer in the City of Oakland, California and for the California Highway Patrol. At that time I used to go from domestic violence call to domestic violence call on the weekends for 10 hours a shift as an Oakland police officer. I recall the silence of the kids who heard the screaming and shouting, and witnessed the violence in those homes. And I wondered at that time as a young man, "What do we do about this?" It wasn't until years later, in my work in Indian Affairs and with the Office for Victims of Crime, that I saw things happening about providing services and some governmental sensitivity to the needs of crime victims.

It is a good thing for our Federal Government to be concerned and begin to deal effectively and seriously with crime victims' issues. Because we talk about the criminal justice system, the juvenile justice system, but central to what we are doing here in trying to combat crime is to also provide for the needs of crime victims, and we can't diminish that effort.

Unfortunately, with this OJP plan, there is a diminishment of the Crime Victims Office in the Department of Justice. OVC is central to the crime victims' movement today, and I think that to diminish it, is to set back the great strides that have been made to

assure that justice and healing for crime victims occur in this country.

As the written statement suggests, there are three compelling reasons to oppose the recommendations of the plan as it concerns the Office for Victims of Crime. The first is the rationale it offers for keeping one of the bureaus in place, which is OJJDP, and none of us at NOVA or in the crime victims' movement have any concern about keeping OJJDP where it is. Certainly, we don't question the importance of OJJDP.

But the rationale the plan offers for making OVC a subordinate section in the bureaucracy seems to be very weak, and there is a total silence with regard to OVC's statutory responsibility in the Federal system.

I just wanted to give you one quote from the report. There are several quotes here in the written testimony, and they can be found on pages 30 and 31 of the report. I quote, "If there were no OJJDP, the interests of kids would be subsumed in a big department." Certainly, that is very true, but you could substitute victims for kids and certainly come up with the same result for the Office for Victims of Crime.

Also, in decommissioning the Office for Victims of Crime, the plan talks about making an agencywide responsibility for crime victims' issues. If you don't have a serious component within OJP that directs the programs for crime victims' issues, it gets subsumed, it gets swallowed up.

If people don't have a particular game plan that is set in front of them in bureaucracies, they don't play ball. In Indian Affairs we see that historically with the Bureau of Indian Affairs, and it has been very problematic over the years.

There is the issue of a presidential appointee as the OVC director, and certainly Lois Haight Herrington was the first presidential appointee who made a lot of strides in putting together the Office for Victims of Crime. She was the first Assistant Attorney General for Justice Programs.

Until Aileen Adams was appointed, there were acting directors of the Office for Victims of Crime, but I was around and worked with Aileen Adams during her tenure with OVC and found her to be extremely creative, and apparently very flexible and confident. And I think that confidence is directly related to her role and her capacity as a presidential appointee.

If you are under the command of someone within the same bureaucracy, sometimes it can be a bit disarming. So it would be ideal to be able to maintain a presidential appointee for an OVC director. That was Congress' intent originally with regard to OVC.

Aileen Adams endorsed the Crime Victims' Rights amendment and the Administration's endorsement of it. She also published a landmark report called "New Directions from the Field: Victims' Rights and Services for the 21st Century," which is an update of the task force report of 1982. She did a very capable job, and part of that capability comes from her presidential appointment.

The Office for Victims of Crime has created some great expectations nationwide, and that is when major criminal acts, acts of disaster, happens in our various communities, who do we call? We call

the Office for Victims of Crime in the Federal Government as the resource.

It would seem to me a bit sad if we couldn't find the Office for Victims of Crime any longer because it has become the Victims Section, hidden down in the bureaucracy.

OVC is, and I think must be, a healer of crime victims' pain and not merely a cheerleader for victims' rights.

Thank you.

[The prepared statement of Mr. Myers follows:]

PREPARED STATEMENT OF JOSEPH MYERS, EXECUTIVE DIRECTOR, AMERICAN INDIAN JUSTICE CENTER AND BOARD MEMBER, NATIONAL ORGANIZATION FOR VICTIMS ASSISTANCE

Chairman McCollum and members of the Subcommittee, I am Joseph Myers, Member of the Board of the National Organization for Victim Assistance. Thank you for inviting me to comment on the proposed reorganization of the Office of Justice Programs and its five bureaus. I am pleased to represent NOVA, the oldest of the national victim rights groups in what is today a worldwide victims' movement, in commenting on the provision of the proposal that would strip the Office for Victims of Crime (OVC) of its Presidentially-appointed Director, eliminate its coequal status with the four other bureaus within that Office, and make it one of nine sections beneath one of the remaining bureaus.

The NOVA Board of Directors has reviewed with care the plan as it affects OVC, and unanimously voted to oppose all three of its components. In our collective judgment, to decommission OVC would constitute the greatest setback to the movement to insure justice and healing for victims since that movement took form in the early 1970s.

While not on purpose, the plan itself provides three compelling reasons to oppose its recommendations regarding OVC: the rationale it offers for keeping one of the bureaus in place; the rationale it offers for making OVC a subordinate section in the bureaucracy; and its total silence on OVC's statutory responsibilities regarding every criminal justice agency within the entire Federal government. Let me review these in turn before taking on the most important reason for retaining its current structure—its Presidentially appointed leader.

RETAINING THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

The report containing the reorganization proposal anguishes at some length over the fate of the Office of Juvenile Justice and Delinquency Prevention (OJJDP). In recommending its retention as a bureau, the report used language that could have applied with even greater force to OVC, as the following excerpts demonstrate:

- "[T]he juvenile justice system is separate from the broader criminal justice system." True. But as the Victim Services 2000 projects demonstrate, among many such examples, the victim assistance movement is working to create a "victim justice system," one aligned to, but with many of its agencies outside of, the criminal and juvenile justice systems, collectively functioning as a kind of "special advocate" for victims' interests with *all* the institutions victims encounter.
- "[The juvenile justice system] has a distinct history, mandate, and jurisprudence." True—and true as well for the victim justice system—except that our history is much shorter, our mandate is less clear, and our jurisprudence is far too often ignored with impunity.
- "[A]ny 'down-grading' of the status of the OJJDP within the OJP organizational structure might affect the visibility and viability of juvenile justice programs; . . . it would be difficult for the juvenile justice community 'to try to penetrate' the Justice Department if the current status of the OJJDP were diminished." True, but far truer still in regards to the victim justice community, as will be discussed below.
- ". . . [I]f there were no OJJDP, the interests of kids would be subsumed in a big department." True again; substitute "victims" for "kids" and you get the same result.
- "The juvenile justice system historically has been unable to compete successfully for attention and resources against other justice priorities, such as offender incarceration." No argument here, as can be shown in the many juris-

dictions where juvenile probation caseloads are unreasonably high. But what does that tell us about the victim justice system, where, in many jurisdictions, there are no caseloads at all—there being not even the rudiments of a victim assistance program?

In short, the rationale for retaining the juvenile justice bureau applies with greater merit to the retention of OVC.

DECOMMISSIONING THE OFFICE FOR VICTIMS OF CRIME

The report's rationale for decommissioning OVC does not, in our judgment, pass rational muster.

It comes in two parts—a preface of sorts and a conclusion. Let me respond to each:

“ . . . the creation of the OVC within the OJP may have to some extent undermined the task force's [the 1982 President's Task Force on Victims of Crime] and the Congress' broader objective of making the needs of crime victims a criminal justice system-wide focus and priority. According to one official, who heads a victim services interest group, organizations that seek funding for victims-related initiatives under the existing OJP administrative structure are expected to address their requests to OVC. Other bureaus and components of the OJP 'feel comfortable' in declining to fund victims initiatives, regardless of whether these initiatives might meet bureau or program office funding priorities and requirements, because there is a specific victims component of the OJP. This official said that it would be better to have access to and take one's chances with a broader funding pool within the OJP.”

While we too would like greater funding support on victims' initiatives from OVC's sister agencies, the suggestion of some anonymous “official” of a victims' organization that these agencies have turned their back on victims' needs is simply inaccurate: OVC, in fact, has long tapped into the discretionary funds of the Bureau of Justice Assistance, the Juvenile Justice office, and the National Institute of Justice, typically by forming joint ventures with OVC. If there is a desire to improve on that record, there are only two reasonable means to do so: “encouragement” from the Assistant Attorney General who oversees them all, or encouragement from Congress. Let The report proposes a different method to make things better:

“The proposed plan for a new OJP organizational structure reflects the belief that the needs and problems of crime victims must be a principle focus of the activities of every component of the criminal justice system. Unlike the substantive area of juvenile justice and delinquency prevention, no separate system exists to address the needs and problems of crime victims. Instead, each component of the criminal justice system bears some level of responsibility for ensuring that the interests of crime victims are protected and the needs of these individuals are met. Accordingly, the development of programs, plans, and strategies to address these needs and problems must be an agency-wide priority within the OJP. To that end, the plan proposes the creation of a Crime Victims Section within the Office of Criminal Justice Development, to continue to spearhead attention to this issue across all of OJP's offices, but it would not diminish the importance of crime victims within the context of criminal and juvenile justice issues, but, rather, would ensure that these issues become a distinct and broader focus by all of the programmatic offices of the OJP.”

I do not challenge the sincerity of the sentiments expressed. But anyone with a passing knowledge of the ways that organizations work must attribute wishful thinking to this proposal. Let us examine how, if adopted, the proposal would actually play out:

First, it would demote the OVC from a bureau to a section—from a sister agency to something less than stepsister, in this Grimms' fairytale. Then it would expect the civil servant heading the section, recently diminished in status and authority, to persuade his or her eight new colleagues that their spending habits during their worklives at the Office of Justice Programs had been flawed—that they must now scale back their support of progressive initiatives in their area of expertise to carve out new grants for victims' programs, with which they have no familiarity.

This is a blueprint for failure. A more plausible view of reality starts with the understanding that the victims' movement will have access to non-OVC discretionary funds only when the administrators of the other funding streams are directed to do so, either by Congress or by more senior officials in the Justice Department. We are confident that the second approach can work because a number of Assistant Attorneys General, notably the present incumbent, have demonstrated pre-

cisely this kind of leadership, inducing other agencies to fund important victim-oriented programs. However, it would take an even more dedicated champion in that post to pry loose funding for this demoted program.

In short, the methods called for in the proposal are at war with the goals it seeks to achieve. If Congress sinks OVC down in the OJP bureaucracy, OVC will get less, not more, support in its mission from its once-sister agencies.

And in the larger scheme of things, crime victims and their advocates do not place too high a stake on whether OVC commandeers one percent or five percent of the discretionary budget of other Department of Justice agencies. These are not the measure of OVC's importance to the field. First is its job to be a voice for victims everywhere. Second is its special responsibilities for victims of Federal crime. I will address these questions in reverse order.

WHAT ABOUT OVC'S GOVERNMENT-WIDE RESPONSIBILITIES?

The report is, in my view, stunningly silent on the role that Congress has assigned to OVC as the watchdog of the interests of crime victims caught up in the Federal criminal, juvenile, and military justice systems.

The proposed diminution of OVC is out of keeping with one of its most important Congressional mandates. Which other section at the third tier of the OJP bureaucracy would have duties comparable to the following ?

- Responsibility for monitoring compliance with the Attorney General's Guidelines for the Fair Treatment of Crime Victims and Witnesses (responsibilities that extend beyond the Justice Department);
- Consultation with heads of Federal law enforcement agencies regarding Federal victims; and
- Coordination of victim services among Federal and other public and non-profit agencies.

Congress has selected OVC to undertake responsibilities across the breadth of the Federal establishment and beyond, and thus, in the organizational chart of government, its placement needs to be elevated, not diminished.

Let me underscore that point. While we profess no insider knowledge, we have formed strong impressions from victim advocates within the Federal government that the battle to accord rights and services to Federal victims has not been won, despite the valiant efforts of OVC. Diminish OVC's clout and you will surely mute the voice of victims in the various Federal justice systems.

THE ISSUE OF A PRESIDENTIAL APPOINTEE AS OVC DIRECTOR

To understand our objections to the proposed elimination of a Presidentially-appointed director to oversee OVC, it is worth recalling the administrative history of that bureau.

In 1983, after she chaired the President's Task Force on Victims of Crime, Lois Haight Herrington was offered the newly-created post of Assistant Attorney General for Justice Programs. After being assured that, in addition to her other duties, she could focus her considerable energies on implementing the recommendations of the Task Force Report, she accepted the position, and set about that implementation mission.

She administratively created the Office for Victims of Crime and, in a symbolic gesture no one overlooked, placed it across the hall from her own office. She commandeered discretionary grant funds to get OVC up and running, and, most important, obtained Administration and Congressional support for the enactment of the Victims of Crime Act in 1984.

More on that later.

Upon her departure, the OVC office suite retained its place in the building, but not its stature. Successor Assistant Attorneys General had other priorities, and their OVC directors were no longer treated as peers of the realm. Then, as some important amendments to VOCA were being hammered out in 1988, a Senate Judiciary counsel, John Bentivoglio, was persuaded that to be an effective servant of its mission, OVC should be given the same bureau status as the other agencies in the OJP family. His proposal was embraced by Chairman Joseph Biden, and then all other interested parties. That is how OVC obtained its present statutory recognition and role.

Over the 15-year life-span of the Office for Victims of Crime, it has twice been led by a Presidentially-appointed leader: Assistant Attorney General Herrington and OVC Director Aileen Adams. It is our conviction that more was accomplished for the cause of victim justice during their service than at any other time.

Lois Herrington's greatest legacies were the magisterial Victims of Crime Act and the *Report of the 1982 President's Task Force Report on Victims of Crime*, which lead to pioneering reforms throughout the nation. Aileen Adams' major contribution was the leadership role that she played in the Administration's endorsement of the Crime Victims Rights Amendment to the U.S. Constitution; the comprehensive reforms that she insisted that federal agencies make in their response to crime victims; and the publication of the landmark report *New Directions from the Field: Victims' Rights and Services for the 21st Century*. Like the 1982 report, *New Directions* contains concrete recommendations of what we as a society should strive to achieve for victims as we enter the next century.

None of these accomplishments, we contend, were likely to have been made by a bureau head appointed by the Attorney General, much less by a desk officer appointed by the Assistant Attorney General.

It is a fact: those who serve in the Federal government as Presidential appointees, subject to Senate confirmation, enjoy more freedom of action as compared to other "political" (but not Presidential) appointees, and certainly more so than career civil servants. While this tradition does not always serve the interests of orderly government, it frequently makes government more creative, nimble, and responsive.

So it was with the preparation of the proposal to reorganize OJP. The four OJP bureau heads holding Presidential appointments called in constituency groups, forged a battle plan, and won as much as they could. The fifth bureau chief was the acting OVC director, that is to say, a career civil servant. While many of us in the victims' movement regard Kathryn Turman as an especially knowledgeable, conscientious, and talented advocate of our cause, we understand how and why she did not fight for OVC's protection in the same way that her colleagues did for their agencies' constituents. She is by no means a "lowly" civil servant—but a civil servant she is, and honors its codes and boundaries.

To put another way: just as Lois Herrington and Aileen Adams are the best that the victims' movement can hope for by way of Presidential appointees, so is Kathryn Turman among the best we can expect from the ranks of the civil service—better than "among the best" because she stands in the place of a Presidential appointee, which the proposed reorganization would undo.

Let me return to the two individuals who held Presidential appointments.

The victims' movement was blessed with these extraordinary leaders. Both have energy, vision, brains, and talent—and both came to their jobs with a preexisting cordial relationship with the President under whom they served. Both used all these attributes well in their major policy initiatives.

It may well be that Ms. Herrington faced little Justice Department resistance when she sought her Administration's support for the most far-reaching of the Task Force recommendations, that is, to put all Federal fines into a trust fund to support victim compensation and assistance programs. But she certainly faced stiff opposition from preeminent Cabinet Secretaries who argued strongly that the proposal was not in keeping with the Reagan Administration's general opposition to new social service spending programs. Fortunately, Ms. Herrington was invited to make her case before the President's Domestic Policy Cabinet, and during that meeting, Ms. Herrington won over the President.

It is theoretically possible that a person of lesser rank would have received the same invitation and achieved the same triumphant results against formidable opposition. But these are minuscule odds, ones that the victims' movement will not voluntarily accept.

As for Aileen Adams' accomplishments, these too were in great part made possible because of her position as a Presidential appointee who was at the same level of importance as other Justice Department decision-makers whose support was needed to reform the system. The most notable was the Clinton Administration's decision to support a Constitutional amendment for victim rights.

I raise that here not because the amendment proposal enjoys universal support but because it has elevated the quest for victim justice to a new level. Aileen Adams' Constitutional prescription for the achievement of victim justice may not, in the end, be accepted by Congress, although most of us in the victims' movement anticipate a different, and better, result. Either way, the amendment proposal, for which Ms. Adams was an indispensable catalyst within government, has reawakened an understanding by legislators that crime victims, particularly those near the margins of society, are routinely treated to mindless, dismissive, bureaucratic indifference. Indeed, it spurred Senators Kennedy and Leahy, both amendment opponents, to propose some statutory improvements in the victim justice system. Does anyone seriously believe these efforts would have been taken if there had been no Aileen Adams-brokered initiative from the Executive Branch?

And within the Executive Branch itself, it is clear that if the offending bureaucracies are to be made more responsive to the just aspirations of crime victims, it will take a Presidentially-appointed OVC Director to lead the way. This is particularly true of the Federal criminal justice agencies.

The mandates of Congress and the Attorney General that those agencies provide their "best efforts" to respect victims' rights are not self-enforcing. Ms. Adams' position as a Presidential appointee enabled her to meet with the directors of the Federal Bureau of Investigation and the Immigration and Naturalization Service Director, plus U.S. Attorneys, the Solicitor General, and many others to discuss sensitive reforms that needed to be made, including those that would bring Department components into compliance with Federal victim rights statutes. Her position helped her to be taken seriously in sensitive discussions with these and many others in leadership positions throughout the Department.

There is no guarantee that any future Presidential appointee will have the personal qualities or the personal connections Ms. Herrington and Ms. Adams had. If we retain our present system, less capable and influential people may lead OVC. But if we jettison that system, the end of Executive Branch initiatives for victim justice is almost certainly guaranteed. For the precepts of victim justice—"to treat every victim as if she was your mother, your sister, or your niece," to use the Attorney General's formulation—are still just on the margins of our policymakers' agenda. Even the most victim-sensitive, Federal prosecution teams in history—those assembled to prosecute the Oklahoma City bombers—failed to notify victims of upcoming hearings on negotiated plea bargains, much less consult with them over their merits, both as required by Federal law.

In short, victims of Federal crime have a long way to go before their rights are honored, and the distance between the articulation of victim rights and their realization is even greater in the state systems. Does the devolution of the OVC Director to a section chief enhance the Federal government's commitment to victim justice?

The question answers itself.

Much to its surprise, indeed, right out of the blue, the victims' movement finds itself at a critical juncture. To paraphrase Churchill, we are not at the end of our quest for victim justice, nor even at the beginning of the end of our quest, but rather, at best, at the end of our beginning. Now is not the time to deprive us of our Presidentially-appointed champion.

Thank you for your attention. I will be happy to respond to any questions you may have.

Mr. MCCOLLUM. Thank you, Mr. Myers.
Mr. Soler?

STATEMENT OF MARK SOLER, PRESIDENT, YOUTH LAW CENTER, WASHINGTON, DC

Mr. SOLER. Thank you, Mr. Chairman, Mr. Scott, and Mr. Barr. I believe that the plan contains many worthwhile ideas with respect to the adult criminal justice system, and I want to make it clear that the Assistant Attorney General has enormous respect in the field. And I think everyone believes that she has overseen the expansion of OJP with great energy and intelligence.

There is, however, tremendous concern about the juvenile justice provisions in the plan. Mr. Chairman, as you noted in your questions to Ms. Robinson from my statement, the plan does fragment the core functions of OJJDP by transferring many of them over to new agencies or existing agencies, and it does, as written at least, transfer about 75 percent of the budget out of OJJDP's control.

The efficiency is sort of a strange efficiency. The plan, as it is written, would take functions that now are in a single agency and are coordinated in OJJDP and then it would separate them out into other agencies and say that that is a more efficient way of doing things. So it is a curious way of approaching it.

With respect to the budget matters, I will let Professor Thornberry talk about the research issues, which he is more of an expert on. But even in terms of the suggestion that the formula grant and

block grant money would go to OJJDP, but then would be administered ministerially by people in a different agency, in a formula grant agency, it really is not consistent with the idea of efficiency. All of that is being done in OJJDP now.

But under that plan, the money would go to OJJDP, there would be people at desks in this new agency who would answer some questions from the field, but some questions from the field would not be ministerial, and so they would have to go to OJJDP. It seems to me that that kind of arrangement actually increases inefficiency rather than promoting efficiency. So there are real concerns even about that.

As a result of these two issues, the fragmentation issue, the transfer of functions, and the question of the budget, there is a real concern that the plan sends a message to the field that juvenile justice concerns don't occupy as high a priority as they have in the past, and there is a real concern that by implementing the plan, the Federal Government would indicate less concern about studying, preventing, treating and correcting juvenile crime.

There is considerable opposition about the plan. And attached to my statement I have put a letter that was sent to the Attorney General which is signed by leaders of more than two dozen national, State and local organizations, including the National Juvenile Court Judges, mental health professionals, service providers, the faith community and children's advocates.

I think no one wants an idea that Washington knows best about how to organize juvenile justice, and the field doesn't know what they are doing. And I don't think anyone is saying that, certainly not the Department of Justice. But it does, it seems to me, have to make you pause as legislators to see that there is opposition and great concern across such a variety of viewpoints. It is not just the children's advocates, and I am a child advocate, but it is not just the Youth Law Center, and the Children's Defense Fund and the ACLU coming in here. It is the judges, and researchers, and service providers and people across the field who are concerned about that. And so it seems to me that you really need to think about that.

It is important to keep in mind the two great strengths of OJJDP now as an agency, both from the outside and from the inside. OJJDP really is the agency that people call. If a mayor in small-town USA has a juvenile justice problem, they call OJJDP, and they can get answers to an awful lot of questions in that one agency. There may be some questions that need to be referred somewhere else, and that can be done. There may be some pieces of research that will be done somewhere else. But, boy, they can get a tremendous amount of information by making that one phone call, and that would be changed by the plan.

In addition, there is the coordination that is possible within OJJDP because those functions are already in there now. It may not be a perfectly seamless system, but the core functions all being there now do allow for a degree of planning, and programming and implementation that would be I think very difficult, if not impossible, if the plan went through.

An example of that kind of coordination is this book, the "Guide for Implementing the Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders." This is one of the best things

OJJDP has ever produced. I copy chapters of it, I have done it hundreds of times for people who have called for information. It is just a tremendous, enormous resource. And it is really a marriage of planning, research, statistics, program evaluation, prevention, rehabilitation, treatment and corrections, it is all here because OJJDP, as currently coordinated, could bring together all of that information in a reasonable and quick way to get this thing published and make it available to the field.

If the functions of OJJDP were split out to different agencies, I guess it is possible that those agencies could come together and produce this kind of work, but it is not likely. Anything in Government is possible. But by splitting them up it seems to me that you make those things much more difficult.

And the analogy I draw, and as I mentioned in my statement, is the question, if we were going to have a national cancer office, the National Office for Cancer Prevention and Treatment, that would be responsible for cancer policy in this country, for cancer research, prevention, treatment, tracking what was going on, and evaluating the results. But if we said that the research money on cancer would go to a different agency, and the statistics on the incidence of cancer and the effectiveness of treatment would go to another agency, and that the Government would give out millions of dollars for demonstration projects, but that would go to another agency, and that new medications and treatments would be put out by still different agencies, but that one office was "responsible" for it, I don't think anybody thinks that would be an efficient way or really even the most effective way to deal with a very difficult and pressing problem.

We are all heartened to find, earlier this week, that the National Crime Victimization Report reported that crime is down again this year—every year since 1994, down this past year by 7 percent. It is a great record and one that we can all be very happy with. But it does raise the question: Is this the time to make such substantial changes in the Federal Juvenile Justice Agency, as are contemplated by this report.

Finally, Mr. Chairman, I want to compliment the Assistant Attorney General and the Department of Justice for their openness and their willingness to hear the concerns of a wide variety of viewpoints in the field. I was part of that group that met yesterday with the Associate Attorney General, and it is very encouraging to see Government, at the highest levels, be so willing to hear concerned voices from the outside.

The Assistant Attorney General and the Associate Attorney General both emphasized in that meeting, and Ms. Robinson said today, that this is the beginning of a process. This is not the final word, this is not an ideologically strict position, but the beginning of a process that needs to develop and evolve over time.

And we hope that is really true and that they and Congress will continue to get feedback and input from outsiders in the field while that process goes on.

Thank you very much.

[The prepared statement of Mr. Soler follows.]

PREPARED STATEMENT OF MARK SOLER, PRESIDENT, YOUTH LAW CENTER,
WASHINGTON, DC

Mr. Chairman and members of the Subcommittee:

My name is Mark Soler and I am the president of the Youth Law Center, a national public interest law firm with offices in San Francisco and Washington, DC. For more than twenty years my colleagues and I have worked on juvenile justice reform issues with judges and other juvenile court personnel, juvenile detention and corrections administrators, police and other law enforcement, state and federal legislators, other public officials, parents and community groups, and other advocates for children in virtually every state in the nation. Our initial funding, in 1978, was from the Office of Juvenile Justice and Delinquency Prevention, and we have worked with the juvenile justice office regularly over the years, as well as with the Office of Justice Programs and the Bureau of Justice Assistance.

Since the Office of Justice Programs reorganization plan was released in April, I have discussed it with researchers and academics, juvenile detention and corrections officials (including heads of several state agencies), service providers, mental health and child welfare professionals, and children's advocates around the country. My testimony is based on those discussions as well as my own review of the plan.

I believe that the plan contains many worthwhile ideas for streamlining operations under the Office of Justice Programs as they pertain to the adult criminal justice system. The Assistant Attorney General at OJP and her staff have made a concerted effort to look closely at issues of coordination of programs, duplication of effort, and information dissemination among the OJP agencies, and to suggest effective remedies.

With respect to the juvenile justice system, however, the reorganization plan raises several serious concerns. First, it transfers most of OJJDP's core functions—research, statistics, publications, distribution of formula and block grants, monitoring and evaluation—over to other new and existing agencies. It does this in the name of efficiency, but it is a curious kind of efficiency that it proposes. While these core functions now reside in a single agency which is able to manage them in a coordinated way, the reorganization plan would fragment OJJDP and distribute the functions to several new agencies, which would then be required to liaison back to OJJDP in order to achieve coordination of juvenile justice efforts.

Second, the plan removes control from OJJDP of nearly 75% of its current budget. Although the written plan often refers to a central role for OJJDP in developing national policy, in reality it strips the agency of most of its resources. In this city perhaps more than any other in the world, authority and influence generally depend on control of the purse, and the plan all but empties OJJDP's purse.

Third, in part as a result of the first two problems, the plan sends a message to the field, and to the country, that juvenile justice concerns no longer occupy as high a priority as they have in the past. Fragmenting the functions and drastically reducing the budget are clear indicators that the federal government no longer cares as much about studying, preventing, treating, and correcting juvenile crime. Indeed, by aligning OJJDP's core functions with those of the adult criminal justice system, the plan pushes the two systems together and substantially blurs the distinction between them.

For these reasons, there is significant opposition to the plan across the juvenile justice field. As but one indication of this, I have attached to my statement a letter sent last month to Attorney General Reno, stating these concerns and signed by the leaders of more than two dozen national, state, and local organizations, including the national juvenile court judges association, mental health professionals, services providers, the faith community, and children's advocates.

Although many in the field have spoken about the proposal to have the OJJDP Administrator appointed by the Attorney General rather than the President, upon reflection I personally am less concerned with that change, if *OJJDP retains its core functions and control of its budget*. I don't believe that the OJJDP Administrator (or the heads of the other agencies under OJP, for that matter) have to be appointed by the President and confirmed by the Senate, as long that person truly retains authority to guide the nation's juvenile justice efforts. On the other hand, transferring the core functions, cutting the budget by three-fourths, and downgrading the appointment of the Administrator would have a devastating effect on the juvenile justice field.

Indeed, there may well be room for improvement in coordinating the activities of NIJ, BJA, OJJDP, and the other agencies under OJP. Every federal agency, indeed every agency of government, has room for improvement. OJP is right to want to improve coordination, eliminate duplication, and promote efficiency in the federal government's response to crime. But that does not justify virtually dismembering

OJJDP. There are less drastic, less radical means of accomplishing worthwhile goals. For example, in the research area OJP could establish small coordination committees made up of one or two representatives from OJJDP, NIJ, and OJP itself to monitor research proposals, assign them to the appropriate agency, and insure that there is no duplication of effort. That would accomplish the same goals without completely fragmenting OJJDP.

We should remember that there are two great strengths of OJJDP, one from the outside, the other on the inside. From the outside, public officials, citizen groups, and others seeking information from all over the country can contact one agency, OJJDP, and get access to virtually the whole panoply of activities of the federal government's juvenile justice efforts, as well as other research, interventions, and initiatives going on in the states. The OJP plans calls for "one-stop shopping," but one-stop shopping *already* exists at OJJDP. It's not perfect, it's not always a speedy and seamless system, but it works pretty darn well and it makes enormous resources available to our public officials and our communities. The irony is the OJP plan would actually bust up the one-stop shopping that currently exists.

The second great strength of OJJDP is on the inside: the presence of all the core functions in one agency allows a rational, coordinated, and effective cycle of activity. The cycle begins with research and proceeds to program development, testing, demonstration, and—if a program is evaluated and found to be successful—either replication nationally or dissemination through technical assistance, training, or both. At all of these steps, information resources are made available to the field through publications or electronic media. Again, it's not perfect, but having all the A-to-Z core functions in one agency allows coordination across disciplines, so that the whole can truly be greater than the sum of its parts.

One example of this kind of coordinated vision is the *Guide for Implementing the Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders*, published by OJJDP in 1995. Here is an effective marriage of research, statistics, program development, program evaluation, prevention, treatment and rehabilitation, graduated sanctions, secure corrections, and references to the leading publications in the field. It is an enormously useful resource. I have copied sections and chapters of the book hundreds of times over the past four years, for public officials, agency administrators and staff, legislators, reporters, and citizen groups. I even use it in the course I teach on Juvenile Law at the law school at American University. This kind of publication would not happen if the OJP plan went through, because the core functions that support the various sections of the book would be dispersed into other agencies.

The analogy I would draw is if the federal government had a single agency responsible for the prevention and treatment of cancer. It might be called the National Office for Cancer Prevention and Treatment. But research money would not be controlled by the National Office, but instead by a different agency. And statistics on the incidence of cancer and use of different treatments and the results of such treatments would be in still a different agency. And the federal government would give out millions of dollars to the states for cancer prevention efforts, but that money would be given out, and the impact monitored, by still a *different* agency. And new medications and treatments would be evaluated by a still a *different* agency. Does anyone think that would be an effective way to fight cancer?

Finally, I want to point out that the national crime victimization study reported recently that crime dropped again in the past year, by 7%, continuing the reduction in crime that began in 1994. That is a remarkable record, one which can give all of us hope that we are on the right track. In view of that record, is this the time to dismantle the federal juvenile justice agency?

June 15, 1999

HON. JANET RENO, *Attorney General,
U.S. Department of Justice, Washington, DC.*

DEAR ATTORNEY GENERAL RENO: We are writing to express our deep concern about the plan for reorganizing the Office of Juvenile Justice and Delinquency Prevention within the Office of Justice Programs. The plan is contained in "A Report to the U.S. Congress Concerning A New Organizational Structure for the U.S. Department of Justice, Office of Justice Programs," which was submitted to Congress on March 10, 1999, and released to the public on April 15, 1999.

We represent very diverse interests within the juvenile justice field—juvenile court judges, researchers, service providers, policymakers, and advocates—but we are united in our belief that the reorganization plan would create enormous difficulty for those who work with, and for, troubled youth.

As the report notes, the vast majority of Justice Department officials, interest group representatives, and juvenile justice practitioners interviewed during preparation of the plan, as well as an advisory Working Group convened by the OJJDP Administrator, recommended retaining a separate, active, and effective juvenile justice agency within the OJP administrative structure. We are particularly concerned that the plan technically follows that recommendation but ignores its spirit and substance by taking away many of OJJDP's most important functions.

While the stated purpose of the reorganization plan is to streamline and consolidate programs and activities within OJP, consistent with principles of good government and sound management, the plan instead creates disorganization, confusion, and dispersal of juvenile justice functions currently consolidated in OJJDP. Specifically, the plan:

- transfers the research, evaluation, statistics, publication, formula and block grants (such as Title V Prevention and Juvenile Accountability Incentive Block Grant functions of OJJDP), and most of the monitoring functions, to other agencies within OJP;
- removes control from OJJDP of nearly 75% of its current budget;
- reduces the prominence and independence of OJJDP by having its Administrator appointed by the Attorney General, rather than appointed by the President and confirmed by the Senate, and gives the Assistant Attorney General final authority over all programs administered by OJJDP;
- sends a message to the field, and to the country, that juvenile justice concerns no longer occupy as high a priority as they have in the past, and blurs the distinction between the juvenile and criminal justice systems;
- represents a significant setback to delinquency prevention just as research documenting its effectiveness becomes widely accepted.

For these reasons, we urge you to reconsider the reorganization plan as it applies to OJJDP. We would welcome the opportunity to meet with you to discuss our concerns. Thank you for your attention to this important matter.

Sincerely,

Louis W. McHardy, *Executive Director,
National Council of Juvenile and Family
Court Judges.*

Gordon Raley, *President/CEO,
National Collaboration for Youth.*

Mark Soler, *President,
Youth Law Center.*

Mildred Wurf, *Director of Public Policy,
Girls Incorporated.*

Michael Faenza, *President and CEO,
National Mental Health Association.*

Marion Wright Edelman,
Children's Defense Fund.

Richard J. Sauer, *President and CEO,
Donald T. Floyd, Jr., Vice-President and COO,
National 4-H Council.*

Laura Murphy, *Director, Washington office,
American Civil Liberties Union.*

Tom McKenna,
Big Brothers/Big Sisters of America.

Karabelle Pizzigati, *Director,
Public Policy Department,
Child Welfare League of America.*

Vincent Schiraldi, *Executive Director,
Justice Policy Institute.*

Libby Kuffner, *Director of Public Policy,
National Association of School Psychologists.*

Harmon L. Wray, *Executive Director,
Restorative Justice Ministries of the
United Methodist Church.*

Janice Christensen, *National Campaign Director,
Amnesty International.*

Jill Kagan, *Chair,*
National Respite Coalition.

Carmen Delgado Votaw,
Senior Vice President, Public Policy,
Alliance for Children and Families.

Robert E. Shepherd, Jr.,
University of Richmond Law School.

Joseph B. Tulman, *Professor of Law,*
U.D.C. David A. Clarke School of Law,
Juvenile Law Clinic.

David J. Utter, *Director,*
Juvenile Justice Project of Louisiana.

Regina H. Lockett, *President,*
Howard University School of Law,
Child Advocacy Law Association.

Dr. Thom White Wolf Fassett, *General Secretary,*
General Board of Church and Society,
The United Methodist Church.

Ronald H. Field,
Vice President, Public Policy,
Volunteers of America.

James P. McComb, *Chairman of the Coalition,*
Juvenile Justice Coalition of Maryland.

Chris Erhardt, *LCSW-C, Executive Director,*
Dundalk Youth Service Center.

Frank Dunbaugh, *Executive Director,*
Maryland Justice Policy Institute.

Barbara Huff, *Executive Director,*
Federation of Families for Children's Mental Health.

Twin Cities One to One Mentoring Inc.
National Dropout Prevention.
Minorities In Law Enforcement.

Cc: Laurie Robinson
Shay Bilchik

Mr. MCCOLLUM. Thank you.

Ms. Edwards, you are recognized.

**STATEMENT OF DONNA F. EDWARDS, EXECUTIVE DIRECTOR,
NATIONAL NETWORK TO END DOMESTIC VIOLENCE**

Ms. EDWARDS. Thank you. On behalf of the National Network to End Domestic Violence, we really do share, actually, a number of the concerns that have been expressed by other members of this panel.

The National Network is a membership organization of statewide domestic violence coalitions from around the country, and we represent about 2,000 or so local domestic violence shelters and programs throughout the country, all of them, in some way or other, interacting with either their State administrators who administer Violence Against Women funds that come through the the Violence Against Women Office in OJP. And so at some level, many of the shelters, programs, coalitions have a unique day-to-day relationship with the Violence Against Women Office.

I do want to step back and say that in 1994, when Congress passed the Violence Against Women Act, it was landmark. It was really the first time ever that the Congress decided that domestic violence, Violence Against Women, really was a priority concern and a priority criminal justice concern, and that was very important.

And by elevating domestic violence in that way and also providing the resources that would be necessary to institute programs throughout the States to end violence against women, it created really this sort of percolation of activity throughout the country. And I don't think that that could have happened or the vision that Congress had in passing the Violence Against Women Act really could have happened without very focused, centralized leadership within the Department of Justice, specifically in the Violence Against Women Office at OJP, and with a political appointee, essentially, as sort of the voice, and the vision, and the leadership, and that in the name of Bonnie Campbell, who is now the director of the Violence Against Women Office.

I would say that the one thing that the Assistant Attorney General did earlier in the spring was bring together the sport of policy voice function that Bonnie Campbell has had at the Violence Against Women with the grant-making function that had been part of the Violence Against Women Grants Office. And this was really an important step in pulling together the two sort of what were functions that worked together, but somewhat distinctly.

And so now under one house, the Violence Against Women Office comprises policy making, vision setting, grant making, through formula grants, a wide variety of discretionary grant programs. And although much of the research through the Violence Against Women Act is conducted through the NIJ, there is a great partnership that goes on with respect to how that research is conducted, so that it is really practitioner based and useful to the field. And so those are actually, we think, all very good steps.

Now, the downside, and of course there is one. We really do believe that this plan, as it is proposed, would seriously undermine the vision that Congress had in 1994 to take domestic violence and violence against women out of the closet and to elevate it to a really important status within the Department of Justice in crime fighting and say to States, "We believe these are important issues. We are going to give you the resources to make sure that you can implement programs in your State that best respond to violence against women." And in fact, that is exactly what the States are doing.

And I want to share with you a conversation that I had with a fellow who is a State administrator in North Carolina. His name is Barry Bryant. And when he found out that Violence Against Women funds were coming in 1994, he had gotten a letter from the then-Administrator Cathy Schwartz. He picked up the phone, called Cathy Schwartz. He was shocked that he actually got her. He didn't know who he was calling in the office. And he told her about all of the exciting things that he wanted to do with these new Federal resources. And she said, "We are going to help you do that."

And indeed, that is exactly what happened. From its inception, the Violence Against Women Office has acted as a centralized focus, integrated function to distribute funds. But it is not just the job of the Department of Justice to distribute funds in the State. There has to be some guidance and some leadership that goes along with that. When formula grants go to the States, it is important that there is a body of technical assistance and training that

can help State administrators like Barry figure out what to do with those resources and how to use them in the most responsible and effective way in the State of North Carolina.

And indeed, that is exactly what Barry did. He used those funds to leverage support for training, and for technical assistance and for coordination of law enforcement, prosecutors, victims' services, all of the components of the justice system that affect violence against women, and he is very excited about that.

And I would suggest that the way to consider whether this reorganization plan would have a positive or negative effect on those who are in the field day-to-day is really to ask them and to ask State administrators, like Barry Bryant, and State coalition leaders, like our member coalitions, and law enforcement officers.

I can point to an instance, for example, because of the coordinated way in which the Violence Against Women Office works, that they have been able to leverage additional State funds. In the State of Florida, Mr. McCollum, your home State, the State administrator there asked the Department of Justice for a grant of \$30,000 to establish a resource center on domestic violence. They got the grant, they set up the center. It has become such a success that just this past spring the legislature created a general fund appropriation of \$300,000 to sustain that center over time. This was done because of guidance and leadership of a coordinated function within the Department of Justice through the Violence Against Women Office that allowed the State administrator to go to his State and make a compelling argument for leveraging funds.

I think that this is a really important use of Federal money, and it is a responsible way in which an agency, a relatively small agency, within OJP—or a small office, it is not an agency—can coordinate those funds throughout the State.

On the reorganization plan itself, many of the criticisms that have been leveled or the concerns that have been raised about why we need to pull together these functions in the Office of Justice programs are actually things that have been resolved in the Violence Against Women Office. It is pulling together integrated functions of policy making, and program development, and discretionary grant making, as well as formula grants, and making sure that you streamline management so that resources don't just sort of stay housed in the Department of Justice, but actually make it out into the field within some reasonable time frame.

That takes place right now, and has since the beginning, in the Violence Against Women Office. It would be really tragic, at this stage, to fragment something that has actually been working for the last 6 years. No, it is not one of the oldest Federal programs, but it really is working, and it just reminds me of the adage, "If it ain't broke, don't fix it."

And I don't understand, in this circumstance, why we seem to be willing, I think, to sacrifice action, and that is a lot of action that has come out of the Violence Against Women Office, for ease of Administration. To me, that is not a sacrifice that is necessarily good Government.

And I do agree with Mr. Soler that, in fact, from the Violence Against Women funding programs if, on one level, a funding stream goes through an information desk or someone has to call an

information desk to find out what is going on Violence Against Women funding in their State, and another arm is a program arm that may have some grant-making functions, and another arm is a research arm, that would mean that Barry Bryant and State administrators like him will have to make several calls, instead of the one that they currently make. And I cannot believe that this would be better administration for Violence Against Women funds.

And I think in closing, the Congress right now, and particularly this subcommittee, is moving toward a process of considering reauthorization of the Violence Against Women Act. And in that context, this is a really important consideration because those funds have been used well, they have resulted in excellent programs throughout the States, there is a lot of coordination and communication that has been replicated in program development through the States, and that has come precisely because of the structure of the Violence Against Women Office today, and it would be very tragic to fragment that, as is described in the departments in the Assistant Attorney General's plan.

And so I urge you to take those things into consideration, and if anything at all, restructure this office so that it is a statutory creation and isn't just there by the designs of a particular Administration. And in that way, we can really ensure that violence against women, and particularly domestic violence, isn't placed back into a closet of Government bureaucracy.

Thank you.

[The prepared statement of Ms. Edwards follows:]

PREPARED STATEMENT OF DONNA F. EDWARDS, EXECUTIVE DIRECTOR, NATIONAL NETWORK TO END DOMESTIC VIOLENCE

Mr. Chairman and members of the Subcommittee, on behalf of the National Network to End Domestic Violence, thank you for providing the opportunity for me to share with you our thoughts about the U.S. Department of Justice proposal to reorganize the Office of Justice Programs. The National Network is a network of statewide domestic violence coalitions around the country—through our members, we represent nearly 2,000 domestic violence shelters and programs. Our member coalitions and the various justice system components within their states, including the state administrators who administer violence against women funding, are in the unique position of working directly and closely with the existing Violence Against Women Office.¹ Our day-to-day working relationship with the VAWO since its inception is a critical lens from which to view the Department's proposed reorganization plan.

Let me first say that we are grateful for the commitment of this Administration and this President to ending domestic violence and all violence against women. The Administration, and particularly the Department of Justice, has been incredible in their work to implement the numerous programs, policy changes, and system advancements that are the vision of the Violence Against Women Act of 1994. Moreover, the decisive leadership of Congress has given much needed support for the efforts of local communities and states to end violence against women. Congress has provided states with critical funds and policy direction through the state formula grants and discretionary programs such as the pro arrest grants, rural, tribal, civil legal assistance, research and training and technical assistance programs that collectively comprise the VAWA 1994. In the field, and throughout the states, we know that Congress—Republicans and Democrats—are committed to funding these important VAWA programs. The challenge, of course, is not just in making the resources

¹ During this past spring, the grant making function of the Violence Against Women Grants Office and the policy making function of the Violence Against Women Office (VAWO) headed by Bonnie Campbell were brought together formally though they had functioned in harmony since the initial establishment of those functions in 1994. The NNEDV support strongly the natural merger of these two functions. For clarity, I refer to the grantmaking and policy making functions together as VAWO.

available, but in ensuring that implementation is coordinated, thoughtful, and informed by work and practice in the states.

We applaud the Administration's efforts to streamline the operations of the Office of Justice Programs. Nonetheless the National Network recommends strongly that such streamlining would deal a tragic blow to the now nearly six years of coordination, collaboration, and communication within and outside of the VAWO. The Department's proposal to create separate departmental functions to serve across divergent and unique programs would result in severely fragmenting and undermining the progress we've made in implementing violence against women programs. The single biggest reason that so much is going on so well and so swiftly in the states is in no small measure due to the guidance, leadership, and staff commitment of the VAWO. The VAWO has demonstrated what is required by statute of the states: coordination, collaboration and communication.

In retrospect, Congress conceived a brilliant formula for successful implementation. The very process by which VAWO began their work in 1994 continues today. VAWO reached out to experts in the field and talked with community and state-based stakeholders (law enforcement, victims services, prosecution, judiciary) to establish a grantmaking process that fully integrated formula and discretionary grantmaking, policy development, and training and technical assistance. Implementation of VAWA 1994 through a coordinated, focussed function within VAWO has contributed mightily to accomplishments that we can point to today. The only thing lacking is that the VAWO should be a statutory office, not subject to the designs of whatever Administration might be in place. The adage "if it ain't broke, don't fix it" is most applicable here.

The fact that Congress passed the Violence Against Women Act of 1994 and committed much needed resources to go to states and local communities to address violence against women was a sea change in the nation's conception of violence against women and particularly domestic violence. In effect, Congress said to the nation, "Violence against women is wrong and we intend to bring human and capitol resources to bear to end this violence." But, it would not have been enough simply to confine the role of the Department to that of a "money tree." Instead, the Attorney General took on this work enthusiastically, appointing a high-level policy person to give vision and leadership to violence against women—Bonnie Campbell. The Attorney General separated, elevated, and consolidated the various grantmaking mandates of VAWA 1994 under one house. This structural concept is what makes VAWA implementation work. It enabled the Department to move swiftly to implement this important legislation—Congress should have expected no less. And, yet here we are today, with a proposal before us that would again relegate domestic violence to the closet of government bureaucracy. On behalf of the millions of women who are battered each year and the many systems that are closer than ever before to "getting it," please do not sacrifice *action* for administration.

Let me share with you why in the case of violence against women programs a coordinated, focussed function is appropriate and critical. On a policy level, the Congress passed a law that required states to honor and enforce other states' protection orders. This was a tremendous step forward for victims who continued to be victimized from one jurisdiction to another. The VAWO recognized that implementation would be easier said than done by the states. The states needed model implementing legislation, coordination among various components of state government, model protocols, practices and standardized forms, and guidance with data base design and development, to name just a few things. VAWO is helping states figure out how to implement the protection order law by facilitating meetings with regional and neighboring jurisdictions, training, and other more state specific assistance. This is coordinated implementation that comes from a coordinated, focussed VAWO.

On the program level, the story of state VAWA administrator Barry Bryant in North Carolina is not unlike many states. Barry administers Victims of Crime Act funds and VAWA funds for his state. He first received word of the impending federal funds in 1994 from the director of the newly created grants office. Barry was so enthusiastic about this new federal program that he immediately called the VAWO to talk about all that he would like to do in North Carolina. Knowing the complexity of the Department of Justice, given his work administering Victims of Crime Act funds, Barry was surprised to actually speak with the grants director. Since that time Barry has had untold number of conversations, meetings, training, technical assistance and policy guidance from the VAWO. In Barry's words, VAWO has provided "guidance, coordination, opportunities for collaboration and learning from other states, and flexibility." Barry directly attributes his state's ability to move forward in developing innovative programs, creating policy and systems change, conducting training, and establishing collaboration among law enforcement, victim services, and prosecutors (to name a few) to the way in which VAWO has

coordinated the formula and discretionary grantmaking, policy making, and technical assistance resources.

As an example of how he has worked with VAWO, Barry cites his desire early on to engage law enforcement officers in learning about domestic violence and strengthening policing and evidence collection. He talked about these challenges with the VAWO staff. They recommended that Barry attend a site visit to the model court and community coordinating program in Quincy, Massachusetts. It was there that Barry learned about developing a coordinated community response to domestic violence, facilitating communication among the justice system components, and the Polaroid project to teach the use of photographic techniques to police officers responding at the scene of a domestic violence call. Barry used this information and his new contacts to develop a training program in his state. He used VAWA resources to purchase Polaroid cameras for police officers, prosecutors and victim services providers. The "catch" was that if you attended the training (which covered multiple levels of domestic violence issues) you would get a camera for use at your community location. The result was that 38 of 39 jurisdictions sent multidisciplinary teams to the training. Today, these teams not just taking evidence. They are actively engaged in coordinating efforts in their communities on an ongoing basis. Barry says that had it not been for VAWO facilitating training and technical assistance, providing guidance on policy and implementation, and coordinating grantmaking to North Carolina, they would not be where they are in implementation. From state administrators to nonprofit domestic violence programs to law enforcement units to prosecutors, the stories are numerous about ways in which this coordinated, focussed effort we call VAWO has contributed directly and indirectly to six years of accomplishments throughout the states in VAWA implementation. One of the additional benefits of the VAWO function as it exists is that it has encouraged replication, mentoring, state-to-state communication and collaboration for the people who are on the ground every day trying to make headway in ending violence against women.

Since 1994, millions upon millions of federal dollars have been sent purposefully and speedily to states to tackle the tremendous problems of violence against women. It is not an exaggeration to say that this maneuvering through the ordinary maze of federal grantmaking, policy making and technical assistance would not have been possible without the coordination and leadership provided through VAWO.

VAWO does not tell states what to do, but provides capacity to see the state's vision through. VAWO's attention to collaboration, communication and coordination has been replicated in amazing ways throughout the states. Their focus on mentoring among the states has encouraged states to focus on mentoring among communities within their own states. VAWO itself is a seamless web of resources for state administrators and justice system stakeholders—this seamless web concept is percolating throughout the states as well. Barriers to sharing information, resources, successes and failures are breaking down. The bureaucracy is becoming more transparent to victims—we are by no means there yet, but it's happening. We are enhancing law enforcement, prosecution of crimes, and safe and accessible services for victims. This is your vision of VAWA 1994, and it is one in which the VAWO is the wheelbearing that has enabled us to realize that vision. VAWA 1994 programs give life and breath to a policy of creating systems and institutional changes to end violence against women. Such an approach cannot be achieved in a centralized, one-size fits all approach that may satisfy administrative concerns but ultimately defeats the goal of successfully implementing the law.

The Department of Justice could have begun implementation of the VAWA 1994 like so many other federal programs—one element disbursing formula grants to states, another handling discretionary grants, another promoting policy in absence of direction from the field, and still another doling out technical assistance that's uninformed by existing need and practice. I'm pleased that the Attorney General had the foresight in 1994 to resist the urge of fragmentation. Mr. Chairman, for state administrators like Barry Bryant of North Carolina and for victims across the country, I urge this Subcommittee to do the same today. Thank you for your consideration.

Mr. McCOLLUM. Thank you, Ms. Edwards.
Dr. Thornberry?

**STATEMENT OF TERENCE P. THORNBERRY, DIRECTOR,
HINDELANG CRIMINAL JUSTICE RESEARCH CENTER,
SCHOOL OF CRIMINAL JUSTICE, STATE UNIVERSITY OF NEW
YORK AT ALBANY**

Mr. THORNBERRY. Thank you, Mr. Chairman, Mr. Scott. Thank you for this opportunity to meet with you and to testify.

I would like to focus my remarks today on how juvenile justice research and statistics should be organized within OJP so that they are most helpful to the broad juvenile justice community. In doing so, I am using a broad definition of research, as the judge did earlier, and not simply focusing on evaluation research.

Let me say at the outset, that I strongly favor maintaining research and statistics on juvenile justice in a single integrated program office along the lines of OJJDP. In my view, I think it is imperative that we maintain the integration of basic research, evaluations, statistics and program development within a single entity. This basic principle is, indeed, recognized in the description of the current reorganization plan, which argues for the need to keep all of these functions within OJP.

I would argue, however, that for juvenile justice:

First, that these functions all need to be within the same agency and not simply related agencies;

Second, that OJJDP has done a singularly, and perhaps even unique, job of integrating these components already; and

Third, that restructuring the agency by function is likely to greatly reduce, and perhaps destroy, this capability by requiring coordination across agencies, a process which history shows is likely to be difficult.

The strengths of an integrated office are many. Let me mention just a few. The juvenile justice system remains separate from the criminal justice system; it has a distinct history, mandate and jurisprudence; it deals with youngsters not only as offenders, but as victims and as dependents; and it has linkages to a unique set of other systems. An integrated research and statistics program dedicated to understanding juvenile justice and delinquency prevention in all of these aspects is essential to address these distinct concerns.

Second, the strong synergistic relationship between statistics, research and program development is a unique and beneficial product of the current organizational structure. One of OJJDP's great accomplishments is to integrate these functions so that research findings inform program development and then program needs guide research agendas and questions in very practical and beneficial ways.

The book that Mark Soler has held up is a classic example of that. It stemmed, in a large part, from a set of research projects, one of which I direct. That then led to program development, and as the programs developed, the developers came back to us and said, "But we don't know answers to these questions, and now we are addressing those new questions to research," and it goes back and forth because it is integrated in a very special, distinct way.

OJJDP's success in integrating research, program development, evaluation, training and technical assistance, and information dissemination has long been recognized and applauded in many quar-

ters, including the Congress. That overall history of accomplishment should not be discounted simply because of one or two bad examples, such as the one mentioned by my colleague, Dr. Sherman, earlier. No agency is perfect, and no agency has a perfect record. But I think OJJDP's is a very good one, indeed, in this area.

An integrated office also has several practical advantages. Juvenile justice practitioners have a single source of information on all juvenile justice matters. And while the proposed reorganization may be somewhat more efficient for researchers and statisticians, I think it is, ironically, less efficient for the consumers of OJJDP's work and the practitioner's needs certainly come first.

Maintaining the research and statistics function in an integrated office also ensures the priority and focus that should be placed on juvenile justice issues. I and my colleagues in the community are, frankly, not convinced that agencies whose primary missions center on adult criminal justice matters will provide the necessary attention to juvenile justice issues.

We are also concerned that it will lose funding if juvenile justice research is split apart from program development and housed in a broader agency whose focus is on adult criminal justice matters. Past experiences with HEW, the precursors of NIJ and other institutes, indicate that this is problematic, and there is certainly no reason to assume that the future will differ from the past in this regard.

Having said all of that, it is still necessary to avoid unnecessary duplication of work in different agencies. In addressing this issue, though, I think it is important to distinguish between duplication and complementarity or complementary research.

Juvenile justice issues are obviously complex. To address them only from within a single agency or institute is too limiting and may stifle the diverse scientific inquiry and the creativity necessary to solve them. Addressing them in a coordinated fashion by multiple agencies will increase our understanding of these topics by tackling them from different vantage points.

In contradistinction to the duplication of effort, I view complementary approaches to research as both positive and functional. The issue of gang research came up a number of times. I think it is wonderful that there are different agencies focusing on this problem. If it was an easy problem, we all wouldn't be here today. We are here because we don't know what to do about it. And to have one agency and only one agency focus on it, puts blinders on no matter what agency it is, having multiple ones go at it, they bring different perspectives of victims and offenders, for example, that overall broaden the picture. And I think that is good, not bad. I think simple duplication is bad, but different perspectives are good.

There are also several scientific advantages to an organizational structure that encourages a coordinated multi-agency approach. Centralization of the research function in any one agency necessarily means that a relatively few people in that agency's leadership structure will have substantial control over the Nation's research agenda. In my view, that is neither good management of science nor is it good for the country. Diversity of approach is essential to provide the checks and balances needed for full inquiry.

While a coordinated multi-agency approach cannot guarantee that, it certainly increases the odds of it happening.

In sum, I think there are several compelling reasons for maintaining juvenile justice research in an integrated program office. They include: A, the maintenance of clear programmatic and funding focus on juvenile justice issues; B, the juvenile justice field has a single integrated source of information on research, statistics, program development and technical assistance; and, C, program development is directly enhanced by research results, thereby improving utility of our research efforts and the funding that the Congress puts into it.

Thank you very much.

[The prepared statement of Mr. Thornberry follows:]

PREPARED STATEMENT OF TERENCE P. THORNBERRY, DIRECTOR, HINDELANG CRIMINAL JUSTICE RESEARCH CENTER, SCHOOL OF CRIMINAL JUSTICE, STATE UNIVERSITY OF NEW YORK AT ALBANY

Mr. Chairman, members of the committee, thank you for this opportunity to testify about the proposed reorganization of the Office of Justice Programs (OJP) and, in particular, its potential impact on the Office of Juvenile Justice and Delinquency Prevention (OJJDP). This is indeed an important matter as it fundamentally influences the effectiveness of how our nation responds to juvenile crime and its efforts to create effective programs to reduce the level of juvenile crime. I would like to focus my remarks today on how juvenile justice research and statistics should be organized so that they are most helpful to the broad juvenile justice community. Let me say at the outset that I strongly favor maintaining research and statistics on juvenile justice in a single, integrated program office, along the lines of OJJDP.

I recognize that this is a difficult issue as there are different ways of organizing this research function. It is compounded by the fact that the possible homes for juvenile justice research—in particular, NJJ and OJJDP—have attractive track records.

NJJ has done an outstanding job of developing research on criminal justice issues, as illustrated in the recent congressional reception celebrating its 30 years of research. OJJDP has also done an outstanding job over the years in developing research on juvenile justice issues, focusing on children and youth, and using this research in the development of intervention programs and strategies. This is particularly true in recent years. As correctly noted in the Assistant Attorney General's Report to Congress on a New Organizational Structure for OJP, under the current administration there has been a greater level of cooperation and collaboration among the agencies within the OJP than has been evidenced in prior times; a coordination and collaboration that reflects the leadership provided by the Assistant AG and a coordination with benefits clearly perceived by the research community.

Against this background, the comments I make today focus on the reorganization plans for the OJP, and in particular the potentially deleterious effects of this reorganization on research and action programs surrounding juveniles and the prevention and treatment of juvenile delinquency and youth violence.

In my view, and I think in the view of the general juvenile justice community, it is imperative that we maintain the integration of basic research, evaluation, statistics, and program development within a single entity. This principle is recognized in the description of the current reorganization plan which argues for the need to keep all these functions within OJP. I would argue, however, that at least for juvenile justice:

- 1) that these functions all need to be within the same agency and not simply related agencies;
- 2) that OJJDP has done a singularly (perhaps even unique) job of integrating these components; and
- 3) that restructuring the agency by function is likely to greatly reduce (and perhaps destroy) this capability by requiring coordination across agencies—a process, which history shows, is likely to be difficult to achieve.

The strengths of an integrated office focusing on all aspects of juvenile justice are many. At a minimum they include the following:

Despite recent blurring of its borders, the juvenile justice system remains separate from the criminal justice system. The juvenile justice system has a distinct history, mandate, and jurisprudence. It deals with youngsters not only as offenders but also as victims of abuse and neglect, and as dependents. In addition, unlike the criminal justice system, it has linkages to a unique set of other systems, including education, child protection services, welfare, social services, and mental health because delinquency is in large part the result of faulty social development. An integrated research and statistics program dedicated to understanding juvenile justice and delinquency prevention is essential to address these distinct concerns. Separate functional approaches run the risk of a lack of attention, focus, receptivity, and proper interpretation of research and statistics and would be a disservice to the unique field of juvenile justice.

The strong synergistic relationship between statistics, research, and program development is a unique and beneficial product of the current organizational structure. In my view, one of OJJDP's great accomplishments is to integrate these functions so that research findings inform program development and then program needs guide research agendas in practical and beneficial ways. The separation of any of these functions will be unacceptably disruptive. Doing so runs the risk of making our research less relevant and our programs less scientifically based. The close integration of these activities can best be ensured if they remain housed together. OJJDP's success in integrating research, program development, evaluation, training and technical assistance, and information dissemination has long been recognized and applauded in many quarters, including the Congress.

Two recent examples of the integration of research, statistics, and program development are:

First, OJJDP pioneered a successful delinquency prevention program that was a product of the tight integration of basic research and program development conducted at the Assessment Center on Delinquent Behavior and Its Prevention, initially funded by OJJDP in 1976. After three years of reviewing studies of delinquency and program evaluations, the Assessment Center's program development work resulted in a theoretical model of delinquency prevention, the Social Development Model. Based on that model the Seattle Social Development Project was implemented and tested, successfully preventing delinquency and adolescent violence. The Communities That Care community-empowerment model, that many states are now implementing under the JJDP Act Title V Prevention Program, grew out of the Social Development Model and the Seattle Social Development Project. Technical assistance and training are provided by OJJDP to support risk- and protection-focused prevention. Having OJJDP fund and coordinate the basic research and program development/testing has resulted in one of our most effective prevention approaches.

Second, OJJDP's Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders is a product of the Office's research, statistics, and program development work. It was grounded in research and program development work that OJJDP sponsored. Results from OJJDP's Program of Research on the Causes and Correlates of Delinquency (longitudinal studies in Denver, Pittsburgh, and Rochester) provided a cornerstone for the Comprehensive Strategy and continue to inform and support it. More than 30 states, cities, and counties are implementing the comprehensive strategy framework in research-based, data-driven, outcome-focused juvenile justice systems, with technical assistance and training that OJJDP provides. Four states have incorporated it into juvenile justice reform legislation. In turn, issues identified in the course of implementing the Comprehensive Strategy—for example, the identification of protective factors at different developmental stages, or understanding risk factors and developmental pathways for very young offenders—has led to current analyses being conducted by the Causes and Correlates projects.

An integrated office also has several practical advantages. Juvenile justice practitioners at the state, local, and federal levels have a single source of information for all juvenile justice matters. That is a great advantage to the broad juvenile justice field. Reorganization by function, while perhaps more efficient for the research and statistics communities, would ironically be less efficient for the primary consumers of OJJDP's work. The practitioners' needs in this regard should be served first and they are best served in an integrated organization.

Maintaining the research and statistics functions in an integrated program office ensures the priority and focus that should be placed on juvenile justice issues. I and my colleagues are frankly not convinced that agencies whose primary missions center on adult criminal justice issues will provide the necessary attention to juvenile matters. Past experience, for example with the Department of Health, Education and Welfare (HEW), and the National Institute of Law Enforcement and Criminal Justice (NILECJ), indicate that this is problematic. There is no reason to assume

that the future will differ from the past in this regard. For example, we are concerned that important research and statistical information about children as victims and missing and exploited children will not receive the attention it deserves if placed in the context of an agency primarily focused on adult criminal justice issues. We have made too much progress in the quality and quantity of juvenile justice research and statistics in the past two decades to risk experimentation with a potentially less effective model now.

For all these reasons I think the effectiveness, quality, and utility of juvenile justice research are best served when conducted in an integrated program office. Having said that, it is still necessary to avoid unnecessary duplication of work in different agencies. In addressing this issue it is important to distinguish between duplication and complementary research and programs.

I completely agree that the duplication of research efforts is inefficient, costly and needs to be eliminated. But it is also important to distinguish between *duplication* of effort and *complementary* research approaches. Juvenile justice issues are complex and multi-faceted. To address them only from within a single agency or institute is too limiting and may stifle the diverse scientific inquiry and the creativity necessary to solve them. Addressing them in a coordinated fashion by multiple agencies will increase our understanding of these topics by tackling them from different vantage points. In contradistinction to duplication of effort, we view complementary approaches to research as both positive and functional.

I offer here just a few illustrations of important juvenile justice topics addressed in complementary fashion by multiple OJP agencies:

First, the area of youth gangs is an excellent example of the value of complementary research in the OJP agencies. While OJJDP has lead federal responsibility for youth gangs, NIJ, OVC, and BJA are active participants in the federal Youth Gang Consortium that OJJDP heads. The Consortium coordinates various agencies' gang research and programs. All four agencies sponsor gang programs or research, which is complementary in several respects. For example, OVC promotes programs that address the needs of gang violence victims. NIJ has sponsored important studies such as the gang migration study and the evaluation of intervention programs such as GREAT (Gang Resistance Education and Training). BJA has done important program development work on adult criminal gangs and drug gangs. BJS has measured youth gang problems in the School Crime Supplement of the National Crime Victim Survey. OJJDP supports gang research, program development and evaluation, and a national survey. In addition to each agency's dissemination, the results of all of these efforts are summarized and disseminated by OJJDP's National Youth Gang Center and the Juvenile Justice Clearinghouse. Practitioners in the field respect, recognize, and appreciate the contributions of each agency because, in large measure, they address different issues and serve different constituencies. If all gang research were folded into a single agency, it is less likely that all of these important issues about youth gangs would be addressed. Our knowledge base would be weakened and policies would be made based on partial rather than fuller information.

Second, since the mid-1980s OJJDP has funded the Program of Research on the Causes and Correlates of Delinquency consisting of three interrelated longitudinal studies in Denver, Pittsburgh, and Rochester. During the same period, NIJ has sponsored the Research Program on Human Development in 90 neighborhoods in Chicago. Both Programs are interested in the same basic issue—understanding the origins and development of delinquent and criminal careers. Neither can possibly resolve the issue—it is simply too complex. But by adopting somewhat different designs, measures, and approaches the two Programs provide more information than either single Program can. One obvious illustration of the advantages of this complementary approach can be offered. While the Chicago project can provide detailed information on neighborhood effects, it can do so in only one city and direct replication in other cities is not built into the design. In contrast, all major findings in the Program of Research on the Causes and Correlates of Delinquency can be replicated across three cities since identical core measures are used even though there is somewhat less detailed neighborhood information in any one city. The important point is this: neither approach is better, but the juvenile justice field is better off by having both Programs of Research underway.

Tackling the same juvenile justice topic areas from different vantage points—which is more likely to happen under a coordinated multi-agency approach than when all research is under the same roof—expands knowledge and policy choices. It is important to note that while the various OJP agencies are addressing the same topics—e.g., youth gangs, causes of delinquency and crime, etc.—they are not duplicating the funding of the same, or even very similar projects. The projects and their approaches vary but they are all shedding light on these troubling issues of delinquency and crime.

There are also several scientific advantages to an organizational structure that encourages a coordinated, multi-agency approach. Centralization of the research function in one agency necessarily means that a relatively few people in that agency's leadership structure will have substantial control over the nation's research agenda in this area. In our view, that is neither good management of science nor is it good for the country. No matter how professional and well-intentioned the leadership is, diversity of approach is essential to provide the checks and balances needed for full inquiry. While a coordinated multi-agency approach cannot guarantee that, it certainly increases the odds of it happening. Coordinating activities to reduce wasteful duplication while at the same time encouraging diverse approaches is likely to be the most effective model in the long-run. OJJDP is currently involved in a variety of partnerships—within OJP and with agencies in DOE, HUD, NIMH, and NIDA—that bring different perspectives together in a coordinated fashion to enhance our understanding of juvenile justice matters. I think these multi-agency approaches should continue.

Research on juvenile justice and delinquency prevention is conducted at a number of other federal agencies (NIMH, NIDA, NSF, etc.) and I do not advocate bringing all federal agencies relating to juvenile justice and delinquency prevention issues into any single agency. Just as I do not advocate the over-centralization of research activities, I do not advocate the over-centralization of all juvenile justice activities.

In sum, I think there are several compelling reasons for maintaining juvenile justice research in an integrated program office. They include:

- a. maintenance of clear programmatic and funding focus on juvenile justice issues;
- b. the juvenile justice field has a single, integrated source of information on research, statistics, program development, and technical assistance;
- c. program development is directly enhanced by research results thereby improving the utility of our research efforts; and,
- d. research projects can address current programmatic and policy issues by being linked directly to program development.

Mr. MCCOLLUM. Thank you, Dr. Thornberry, and I thank all of our witnesses.

I will recognize myself to ask a few questions, and certainly, I might add, that with the variety of concerns expressed here, there is no way that, unfortunately we don't have more members here today, but there is no way Mr. Scott and I are going to be able to cover in depth the kind of concerns that you have all expressed and the concerns that the Department of Justice, in this instance, has expressed to us. But having said that, I do want to probe a few things.

Mr. Sherman, perhaps by circumstances that we didn't anticipate because of the number of people who could come and who couldn't come, you are the only panelist here, really generically, I suppose, supportive of the reorganization plan. So by that nature, I am going to ask a broad question of you, but one which I think is significant. In terms of the criticism that these panelists each have expressed, it seems to me that is divided into two areas. One is a concern of not having programs made subservient, the need to still have an office for victims; that is, a bureau that has some title, and presence, and force, and draws attention.

And you addressed that in your opening remarks, suggesting perhaps we could modify the plan to take that into account, and perhaps we could, and I don't want to dwell on it because it is a simple point, it is very clear, and the advocates of that point have made it.

But the other more compelling and concerning issue is the one about the weed, so to speak. Who is served by the reorganization and who isn't? The purpose of the reorganization plan is somewhat confusing to me. It is always an unfortunate circumstance of fact

that we get the Administration witness, out of courtesy, before us before we get to hear from everybody else; when in reality, it would be preferable, from a purely analytical standpoint, for a Congressman to hear from you all first, and then have the Administration witness here so we could bat off all of the criticisms and analysis. A lot of it is analytical. But we don't have that today, as we don't usually.

So I am turning to you a little bit, Mr. Sherman, in the sense that it strikes me that what I heard Ms. Robinson say earlier is that her effort is to provide some efficiency and a power structure that gives more strength to the Assistant Attorney General who is in charge of these programs because that authority chain is spread, in the way the structure is today, in a way that is getting weaker—and as she said, I think, or at least if she didn't in her testimony, it is said in their report to us—there is an inability to direct.

You have to cajole, and depend on the good will of all your bureau heads and so on, to get the policy of the Attorney General and the Assistant Attorney General adopted. And the other one, which is equally and maybe more important, that those who are the State and local would-be grant recipients and end users who are somewhat represented here, but apparently some are not, do not have a one-stop shopping center to be able to go to.

And the Office of Formula Grants and State Desk, seems to be a central component of all of this, an attempt to say let's put field representatives out there, have all of the grants go through a central place. It doesn't matter which bureau, which part of it. If it is an OJP grant, then there is going to be somebody who is going to be the person you go to in order to accomplish that. These folks are saying that the result will be to fix something that isn't broken and subsequently, that the outcome will be self-defeating because the people who use it like what they are dealing with now. Some feel there is no confusion and no problem with the system as it exists.

And so my question to you is, do you know if there is a problem? Is this centralization something which addresses an existing problem or is it just a theory, an abstraction?

Mr. SHERMAN. I think there is a very big problem, and this proposal addresses it. When the Congress wants to hold the FBI accountable for its conduct, it can call the director of the FBI in front of it and know that he has the authority to accept the responsibility for the Agency.

You cannot do that now with the Office of Justice Programs because of all of the independent fiefdoms within that office, which prevents the level of cooperation and collaboration that is necessary to make that an effective agency for serving the American people, not the special interests of the particular groups that have particular purposes in mind, but all of the American people with the overall level of public safety.

When the Congress wants to hold the National Institutes of Health accountable for its performance, it can call Dr. Varmus here, who also supervises independent fiefdoms. But I believe if you examine the record, there is an organizational structure to the NIH that gives the director of the overall institutes sufficient authority to compel collaboration among the constituent agencies,

such as the National Cancer Institute, Heart, Lung and Blood Vessels, et cetera.

I am glad that the cancer issue was brought up by one of the witnesses, in fact, Mr. Chairman, because the statement that was made is incorrect. If you want to evaluate the impact of cancer research on the cancer death rate in this country, you don't ask the National Cancer Institute for the death statistics on cancer. You ask the National Center for Health Statistics, which is in a totally separate part of HHS. It is an independent statistical agency, just as the Bureau of Justice Statistics is in an independent statistical agency within the Office of Justice Programs.

And in order to have a rational organization of statistics on crime in this country, which doesn't stop when people turn 18, but which has, in fact, many issues of criminality across the age span, it really makes a lot more sense to have the Bureau of Justice Statistics handle all of the statistical issues concerning crime, including juvenile crime, and young adult crime and older adult crime.

By the same token, the block grant issue, which cuts across I think a number of the opposing comments is one that I think we have to be quite frank about. Most of the money in Office of Justice Programs is handed out to the States on a population-based formula. Now, in other testimony, I have opposed that formula. I think the money ought to go where the crime is and not to where the votes are. But, in fact, we have a Constitution. The framers in their wisdom gave every State two Senators, and so we have a million dollars per homicide of Federal funding going into Vermont, and we have \$5,000 per homicide going into Mr. Scott's district in Richmond.

Be that as it may, it is a pass-through function. The Congress has said this is a Federal system. We are going to let the States and the localities decide how to spend this money. This is a bureaucratic pass-through function. All the plan proposes to do, and saying if you want, it eviscerates 70 percent of the Juvenile Justice budget, but all it is proposing to do is to have the people who write the checks and send them out to the States all sit in the same office, so that you don't have a separate office for Juvenile Justice, for Bureau of Justice Assistance, for Victims of Crime, and so forth. You can have one-stop shopping for the pass-through money for the checks.

I was interested to hear today that some of those pass-through people have provided advice to the States. My own experience in the State of Maryland is, in fact, the money just goes right to the governor's office, the governor's office may provide some advice, but that there is really no involvement on the block grants.

There is, as you know, a limited amount of money for discretionary programs. That is the heart of these programmatic agencies within OJP. The discretionary money for which decisions are made here in Washington—and I would be interested to know whether that \$30,000 grant to Florida was, in fact, a discretionary grant from Washington—that wouldn't change. That would stay, under this plan, in a unit that is substantively focused on innovative program ideas, on working with constituencies, on listening to people and trying to find ways that the Office of Justice Programs could demonstrate, innovate and evaluate better ways to spend the lion's

share of the money in this country, which is the \$100 million a year in State and local criminal justice funding, compared to which the \$4 billion in Federal funding—excuse me. Did I say \$100 million? I'm sorry. \$100 billion—is where the money is coming from, State and local money.

The best role of the Federal Government is, I think arguably, not these pass-through block grants, but the innovation, the demonstration and testing of new ideas to find out what works. And that is the purpose of this reorganization plan.

Mr. McCOLLUM. I am going to go to Mr. Scott, but I want to clarify something. Is it my understanding of what you just said that discretionary grants that still exist after this reorganization would not be handled by the Office of Formula grants and State desks, and that this plan would stay with the various bureaus, agencies or programs?

Mr. SHERMAN. That is my reading of it. Now, perhaps I read it in error and didn't understand that.

Mr. McCOLLUM. Well, you may be right. That is what I wanted to clarify, and my staff is saying that is correct.

Mr. Scott?

Mr. SCOTT. Thank you, Mr. Chairman.

As we reorganize, it seems to me that some like the reorganization according to function; that is, you would have program, you would have research, you would have technical assistance others like it divided by subject matter, domestic violence, whatnot.

Is there value to dividing up by subject matter so that if you wanted to know about domestic violence, you would make one call? Does that make more sense than, or are you more likely to get that kind of call than the call where someone wants a program and then someone else wants some statistics? Which makes more sense; if you are going to divide it by function or by subject matter? Which is the customer more interested in?

Mr. SHERMAN. Mr. Scott, I think it is interesting that you phrase the question that way because it is reminiscent of the discussions about how you surf the internet, and how we can, in fact, get to the Web sites we need. And that is actually very appropriate because, increasingly, contact between the American people and the Federal Government is on the Internet and is on Web sites. And so when we talk about one-stop shopping, I was smiling when people were talking about making telephone calls. Because I don't know if you have been able to get anybody to answer the phone lately in the Federal Government, but all I get is voice mail, which leads one to think that the Internet might be the better way to get the information from the Federal Government. And it is indeed the quality of the Internet programming that may determine the efficiency of locating information on juvenile crime, domestic violence, victim crime.

But once you get to the question of technical assistance, to making initiatives, to providing discretionary grants, I definitely support the functional organization by problem area. So we do need a Victims' Office, we do need a Juvenile Justice Office, we do need the offices that are traditionally in OJP, police, corrections and so on, but we have to be realistic that the block grants aren't really an important part of that and that the research would be evaluat-

ing the ideas that those offices come up with, and that's why that should be separate.

Mr. SCOTT. I think the research being separate—let me ask Mr. Thornberry. Mr. Sherman has suggested that a program evaluating itself has inherent problems. Is there value to having the research being done by someone other than the person running the program?

Mr. THORNBERRY. Yes, there is. But it seems to me if you have a Program Development Office in OJJDP, for example, and Evaluation Research in OJJDP, if you have separate units, as they do a Research and Development Office, so that the research is not being directed by the program development officer, but by the research wing of OJJDP, there is some similarity, and there is some independence.

Mr. SCOTT. Well, how about doing the research by NIH?

Mr. THORNBERRY. Well, but this proposed reorganization, instead of doing the program development and research at OJJDP, it does the program development and the research in OJP, and I don't see a big difference. Whatever pressures come from a program office, in terms of whether there is any lack of independence, there is always the principle that the people running the program don't evaluate it; that some independence be given to the evaluation. But the independence is always, in some ways, negotiated because it is going to be within the Federal Government—it is not going to be outside the Federal Government—and it is going to be within some agencies that are linked or else there is no point of contact between the program and the researchers, and it is sort of a fine point where that goes.

My point was the broader one that if you think of research, in general, not just evaluation research, but if you divorce all research; for example, the causes and correlates of delinquency, and risk factors, and protective factors, and evaluation research from the Program Office and program development, you weaken the interplay that has developed over the years that I think has benefited, as Professor Sherman said, the national interests and the reduction of crime.

Mr. SCOTT. Mr. Soler, in your testimony you said that you didn't oppose all of the proposal. What parts of the proposal do you agree with?

Mr. SOLER. With respect to the juvenile justice issues, I personally don't feel that the presidential appointee is such a critical issue. There are other people, there are other advocates who feel very strongly about it. I happen not to feel as strongly about it. I think that the issue really is the lines of authority, as the chairman has mentioned, the real issue is the lines of authority; that there is a direct line of authority from the administrator at OJJDP to the Assistant Attorney General, and there is accountability. I think that is what all of us want on this.

That, it seems to me, is a separate question from the core functions remaining in OJJDP. I don't know that—and we actually discussed this at length yesterday with the Associate Attorney General—I don't know that a presidential appointment and confirmation by the Senate is necessarily a guarantee of anything in particular in terms of who the people are.

There needs to be accountability, there needs to be accountability for juvenile justice policy in this country, which is now done through the administrator of OJJDP, and I believe should stay there. There needs to be accountability for overall justice programs, which is in the Assistant Attorney General now. And I think that is where it should be.

I want to, if may take just 1 second, I do think that Mr. Sherman's comment about the bureaucratic pass-through is not quite an accurate statement. Ms. Edwards and I have been just sort of commenting about that. The money is not simply sending a check to the State and then the Federal Government never hears about it again.

Every State has a juvenile justice specialist who is designated in that State as the point of contact person. Every State has an Advisory Committee that works to decide where that money is going to go. There is constant communication between the people in the States and OJJDP, the people working on formula grants, and through the formula grant contacts there is contact with technical assistance, and training, program development, evaluation, and all of those other things.

In fact, OJJDP provides training and technical assistance to the States to help those people who are implementing the formula grants in the States to do a good job. They make information available to them about new ways of doing things, they make information available about what are the effective intervention techniques.

Mr. SCOTT. Are the same people making the grant?

Mr. SOLER. Yes.

Mr. SCOTT. So that you would be overlapping function.

Mr. SOLER. Yes.

Mr. SCOTT. So that the subject matter might be a better way to divide things rather than by function.

Mr. SOLER. A much better way. The mayor of Small Town, USA, does not, I don't think, conceive of something by saying, "I have a statistics problem." They say, "I have a juvenile justice problem, I need to solve that problem, and I need as many resources as I can to help me solve that problem." And that may be training, technical assistance, publications, program development, et cetera.

Mr. MCCOLLUM. Thank you, Mr. Scott. And I am not going to take much time because I know you probably have planes to catch and so forth.

But I do have one question, Judge Anderegg, I am very curious about, in particular. You had proposed in your testimony an alternative solution to some of this; eliminate the authority that the National Institute of Justice and the Bureau of Justice Statistics currently have to involve themselves in Juvenile Justice issues, and in doing so you have suggested this would not be a big deal because there is pure research done at NIJ which has been less useful to the juvenile justice practitioners than the basic and applied research being done at OJJDP.

What is wrong with the converse? That is, what is wrong with taking all of this research—applied and basic research—and just lifting it out of OJJDP and putting it over at NIJ and taking the personnel, presumably, that are currently working at OJJDP, and

moving them laterally to the NIJ and having them do it all over there? What is the big deal?

Mr. ANDEREGG. Well, Mr. Chairman, I was thinking about that during some of Mr. Scott's questioning here. The proposed reorganization plan doesn't totally eliminate knowledge of juvenile justice from the proposed transfer to NIJ. It proposes creating a new Institute of Juvenile Justice Research within NIJ. So in that respect, there would be still some expertise that resided there.

And I don't mean to say, by any means, that the work that NIJ does is not important work. It is certainly important work. My perspective is the perspective of a local juvenile judge and the perspective of my organization of judges who are throughout the United States. And for us, the utilitarian value that we get from Federal help is generally from things more like what OJJDP currently does and less like what NIJ does.

Mr. MCCOLLUM. Right.

Mr. ANDEREGG. And so that is the perspective, I think.

Mr. MCCOLLUM. Your bottom line is that you want to see the job continue to be done, wherever it is done, in the same efficient manner that it is today.

Mr. ANDEREGG. And actually, if you think about this, there has been some discussion here today about saying: Well, we need to separate these functions so that we get independent research.

And I think there is some danger of saying: If the people that are doing the research don't really know about the field, there is some danger that the people who are doing the programs may snow them into doing things that are not necessary. And so there is a kind of a converse viewpoint from what we have been talking about. But I guess that is my perspective on what is going on here.

NIJ has had the capacity to do research about juvenile justice, has really not done all that much of it, which is one of our concerns and, secondly, the research that they have done has tended to be theoretical, academic research, and the results take a long time to get to us, and that is not what we need. We need quick-and-dirty evaluations of what is actually happening so that we can adjust on the fly.

Mr. MCCOLLUM. Sure.

Mr. Myers, one of the questions that has arisen here is one of the authority of the Associate Attorney General and the ability to direct and manage more, influence more policy outcomes. In a bureau such as the Victims', is that something that you see a way to resolve by keeping an independent or, if you will, a presidentially appointed person there? I don't know whether it is or not, but that seems to be the distinct issue involved in the suggestion. We consolidate some of these and change the bureau-appointed structure.

Mr. MYERS. Well, it may be if you look at it impersonally. But if you look at OVC and the presidential appointee, Aileen Adams and Ms. Herrington, who originally did a lot of work in establishing OVC, there is a strong commitment and an effort to be cooperative with other units of the Agency. And the plan, on the one hand, talks about getting rid of the presidential appointees, and then a couple of pages later talks about how well they work together and cooperate.

So I do think that you can make problems. I mean, we are talking—and I don't want to say anything derogatory here—but Mr. Sherman talks about one-stop shopping, he talks about individual fiefdoms, I am not so sure that you could apply that to the Office for Victims of Crime. I don't think that anyone who has ever headed up that office thought of it as an individual fiefdom.

I really think that there are some buzz words that go on when we talk about one-stop shopping, customer-friendly and so forth. A few years ago it was total quality control. With regard to the Office for Victims of Crime, these are serious historical issues that need to be resolved, and we are moving in the right direction.

I, and other people who contributed to my testimony, feel that we would be going in the opposite direction if we decommissioned the Office for Victims of Crime and make it a section.

Mr. MCCOLLUM. But if we didn't decommission it, would you have any other problems, if we left it alone with the rest of the re-organization plan?

Mr. MYERS. Certainly. If we could keep the presidential appointee. It is very unique in that the Office for Victims of Crime administers the Crime Victims' Fund, which is Federal penalties and fines, and it is not a huge burden on the taxpayers. That is unique as to other units of the Agency.

Mr. MCCOLLUM. Thank you.

Ms. Edwards, interestingly enough, the Women's Office is an office. It is a program. It is not a bureau. Do you think that it needs to be? Do you think that we need to have a separate presidentially appointed head like the Victims' Office has or are you satisfied with it the way it is?

Ms. EDWARDS. Well, it is an office. I mean, I would say that, structurally, to me it makes sense that it should be an office that is created by statute. It is actually an office that exists at the discretion right now of the Attorney General, and, you know, that is subject to whomever is Attorney General, and it does—

Mr. MCCOLLUM. If I could reclaim just a moment to make the point, we could do that without having a presidentially appointed head. You know, we can create this by statute and give the power to the Attorney General to do what she is doing now, except it is statutorily there, so it isn't just created by her discretion.

Ms. EDWARDS. Right. Well, I think that the real crux of the problem is not who is heading the office. I mean, I think stature is important and having an office that combines all of these various functions; grant making, policy making, technical assistance and training, research—although this office right now sends most, most of the research dollars actually go through the National Institutes of Justice—I think having all of the functions that are related to violence against women questions in one place is what is really critical. It is not our most critical concern that it has to be headed by a presidentially appointed, confirmed by the Senate.

Mr. MCCOLLUM. Let me ask Mr. Myers a question, then. Would there be any problem if we treated the Victims' Office the same way that Ms. Edwards is describing for the Women's?

In other words, you wouldn't have a presidentially appointed head, but it would be a statutorily created entity.

Mr. MYERS. Well, the consensus of the people who contributed to the testimony are very strong on the presidential appointee, and that is the position I would take.

Mr. MCCOLLUM. Thank you. Thank you.

Mr. Scott, do you have any—

Mr. SCOTT. Ms. Edwards wanted to respond.

Mr. MCCOLLUM. Oh, Ms. Edwards, I am sorry. Go ahead. I am sorry.

Ms. EDWARDS. Mr. McCollum, I do want to clarify something, and that is the relationship between what happens with the formula grants and how that works with discretionary grant making and technical assistance and training, at least for Violence Against Women, and it sounds like that is true for juvenile justice programs, too.

These are very integrated functions. And while it is true that a check gets cut to the State for formula grants, it is really irresponsible to send that money out without also providing technical assistance and training to further the vision that the States see in how they want to use that money, and that is how, in the example that I used with Florida, that is how those kinds of things are done by the State administrators and the way in which they use the Violence Against Women Office.

And so it is very critical that the person who is sort of talking with—and a lot of our folks do still use the telephone—with people in the States, is to coordinate all of those things, to say, “Well, if you are getting this formula grant, and it is for ‘X’ program, you know there is a discretionary grant over here that could possibly satisfy this gap in service that you see in your State. Here is another discretionary program.”

And in Florida, just to use an example, Florida receives its block grant, but it also has a rural discretionary grant that has been coordinated with some of the areas that are missing from coverage under the formula grant, and legal assistance grants to provide legal services and assistance to women to facilitate their participation in the criminal justice system, grants to encourage arrest, which is a discretionary program, but works really closely with the block grant so that training for law enforcement officers can take place with grants to encourage arrests.

These are very integrated programs. And when you separate all of the functions, it will be very difficult for one hand to know what the other hand is doing. I think it is very important to keep those functions under one house. That is how the Violence Against Women Office has worked, and it has worked quite well.

Mr. MCCOLLUM. Thank you.

Mr. Scott?

Mr. SCOTT. Thank you, Mr. Chairman.

You mean keep all of the functions within a subject matter together and not try to divide up every different subject matter function.

Ms. EDWARDS. I agree with that. Keeping these within sort of subject matter functions, subject matter areas, I think is really critical. And what works for Violence Against Women programs because of the nature of service delivery or training in Violence Against Women may not work for juvenile programs. And we have

to recognize that these are unique subject areas and may require very unique ways to deal with those issues. And that should not be a problem for us so long as we can maintain efficiency in these programs.

Mr. SCOTT. I am going to ask a more general question, since we have people here that are dealing with the subjects, and that is we have talked about I guess where the research ought to be done or who ought to be doing the research or how it ought to be done. I would like to get to what we ought to be researching. There is a lot we know and don't know about crime, and juvenile crime in particular. And if anyone has some suggestions about what we ought to be looking at, that would be very helpful to me.

Mr. SHERMAN. Mr. Scott, if I may just suggest that the number one crime problem in the United States is homicide committed with guns in approximately 1 percent of the population, concentrated in just 50 of the 15,000 cities in the United States, and that the integrated approaches that cut across all age groups and all different types of crime that are associated with the causation of that homicide problem, including issues outside the Justice Department; the Labor Department, the Department of Education, Department of Health and Human Services with respect to infant and early-life crime prevention, I think our priority needs to be solving the problem of inner-city homicide because that is a fount of violence that spreads throughout our society. It affects the news media, it inspires people in Columbine. There is just all kinds of negative consequences of our Nation carrying that.

Mr. SCOTT. I, frankly, disagree with the judge's suggestion that we need some quick-and-dirty because I think the solution is a much longer term. How do you get to the answer to that question?

Mr. SHERMAN. Well, I think the proposed reorganization creates a possibility of putting priorities for testing innovative ideas where the crime is concentrated in this country, and that by putting a much larger scale of investment into this problem, under the authority of the Assistant Attorney General, coordinating the program agencies with the research agencies, that we might have the possibility of breakthrough on this really one area in which we differ from other countries; where, you know, property crime is higher in England and Australia than it is in the United States.

It is this one problem that we have got to lick, and we are not doing it under this current, balkanized structure of OJP. I think we might do it under the reorganization.

Mr. SCOTT. Thank you.

Judge?

Mr. ANDEREGG. I would like to address that, Mr. Scott. One of the things that I brought with me was the Report on Juvenile Offenders and Victims. This has been produced by the research arm of the National Council in Pittsburgh with grants from OJJDP. And this is the kind of basic information that we need to start seeing where those problems are.

And the additional advantage that the kind of research that I was talking about has is that we can break out from the statistical information that is produced comparisons to our own jurisdictions. And there is no question—

Mr. SCOTT. What is in there that is extremely helpful that you would like more of?

Mr. ANDEREGG. Basically, what I would like more of is attempts to look at this research at the Federal level and analyze where it needs to go. I am not disagreeing with Professor Sherman entirely. I think that both kinds of research are essential. But the demonstration programs are also things that OJJDP has been addressing. These are resource guidelines for improving court practice in child abuse and neglect cases, produced with, in part, an OJJDP grant.

This is——

Mr. SCOTT. And does that report tell a judge what kinds of innovations or what kinds of dispositions——

Mr. ANDEREGG. It refers to model practice and sets forth in detail how many minutes, as a national standard, you should take at various stages of an abuse and neglect case if you are going to do a good job. This is a very important document.

Mr. SCOTT. Does it correlate that with results? I mean, if you take a longer time, you can, in fact, reduce recidivism?

Mr. ANDEREGG. The evaluation that has been done by the model court shows that when you do take the time that is set forth in this, you see dramatic results in the reduction of how long it takes to process cases and how long children will remain in the system.

And before I lose the thought, this happens to me more and more these days, but OJP is addressing this problem that he is talking about in another way through the accountability block grants. And there is very generous funding that has been directed toward some of these issues, through the block grants, and a lot of that funding, because of the distribution formula, is going to the urban areas.

And there are some liabilities with that, also. One of the liabilities is that if the block grant funding goes to a city, cities don't traditionally fund prosecution. Counties fund prosecution. And if there is a weakness in the block grants, as we are starting to see them, for accountability, it is that the rural areas get less of the money and less of the attention. Now, the converse is send the money where the crime is. That make sense. And we are trying to sort that out as we go.

There is a meeting today in my hometown about how to spend unallocated block grant money. If I was not here, I would be there.

Mr. SCOTT. I have a hard time figuring that problem out because the Virginia county, city situation is different from everywhere else in the country. Our cities do not have a layer of Government over it being a county. It is just city and then State.

So we have heard that problem from California and many other States.

Mr. Myers, did you have anything we ought to be researching that would be helpful?

Mr. MYERS. Well, there was a research project recently done on violent crime in Indian country being on the rise. And I am not so sure of the accuracy of that particular study. But one thing that has always bothered me—in the last few years, I have been working with OVC and the Justice Department—these are a great resource, but I don't think that the Bureau of Justice Statistics or whoever commissions these reports really gets them out there to

people who could use them. I would venture to say that resource guide that the judge has there is not on the desk of any tribal court judge throughout the United States, and it should be.

But I am not so sure that these studies are getting to the people that could really benefit by them. And I don't know whose responsibility that is, but somebody ought to take it on.

Mr. SCOTT. Mr. Thornberry or whomever?

Ms. EDWARDS. Let me just say we actually do have a very close relationship; that is, the Violence Against Women community, with the National Institutes of Justice in terms of deciding a Violence Against Women agenda for research. And that was actually by direction of Congress in the Violence Against Women Act. And so it, in some ways, required a creation of a partnership to figure out a research agenda, and the NIJ has actually been sort of working through a number of those issues in their solicitations over the last nearly 6 years.

And there are whole publications, actually, that list out the critical research questions around Violence Against Women, and I think that we simply need to follow those and make sure that they are adequately funded.

And the one sort of concern that I have, that I think the NIJ is trying to address, is making sure that there really is practitioner participation in both the evaluation of research proposals, but also in determining the sort of overall solicitation and research agenda. That is really important because if it doesn't relate to what is going on in the field, you know, it doesn't have a lot of value for people who are doing the work every day.

Mr. ANDEREGG. Mr. Chairman, the last thing I brought to wave at you was this document which was recently released. It is called, "Effective Intervention in Domestic Violence and Child Maltreatment Cases." And it is another example of something that was developed with OJJDP and Office of Victims' funding. The National Council was involved with it, and the practitioners were very involved in its development.

Mr. SOLER. Mr. Scott, I would say that it would be worth doing more research on the connection between early maltreatment, neglect and abuse, domestic violence, and later delinquency. There certainly is some research that has been done. It has been very important and influential in the field, but I think we need to know more about that, particularly so that we can develop even better interventions for prevention activities.

We know that Dr. Del Elliott in Colorado has identified some of the best programs in the country for violence prevention. OJP is funding replications of those projects, and he is looking at others, but we need much more research in that area to find out a wide variety of intervention and prevention programs that can be put in at every stage of child development.

Some of those prevention programs are prenatal programs, and they go all of the way from before birth up until high school. We need to know much more about what are the right interventions to put in at particular times to stop these problems before these children become juvenile delinquents.

Mr. SCOTT. Mr. Thornberry?

Mr. THORNBERRY. Thank you. I have two broad areas I would respond.

The first is I think we need to know a lot more about the early onset and the course and development of delinquent careers.

Mr. SCOTT. Say that again. I am sorry.

Mr. THORNBERRY. The early onset, more about very young offenders, offenders who start early and then whose delinquent careers continue and escalate.

Mr. SCOTT. Are you talking about starting the measure when they are first delinquent or finding out the even earlier indications that they are on the trajectory toward violence?

Mr. THORNBERRY. The latter; starting as early as we can in the life course. We are starting now, in our own research, with 2-year-olds, to follow them across. And it means a long-term, serious commitment by the Government and the agencies to say, if you are interested in delinquency and you start with 2-year-olds, you are in it for the long haul.

But I think unless we follow them across time to understand the risk factors they have and what triggers their behavior as they develop, we are ultimately not going to have the right answers. And I think Professor Sherman is right, that, you know, a lot of the problems is homicide and serious youth violence, but with, occasionally, like in Columbine, it sort of comes out of the blue. By and large, the guys involved in that start early, and they get worse and they get worse as they grow and develop. So we need to understand their life course earlier so we have prevention programs that can kick in and short-circuit those longer term careers. That is sort of one broad area.

If done properly, the research findings that come along that way lead directly to prevention programs and intervention programs; for preschoolers or early school kids and as they grow older. And I think that is one of the advantages of integration of program development and research because as the research findings unfold, they get pushed into program development.

And I think the great advantage—and I agree with you and disagree with the judge—we don't need quick-and-dirty research. What we need is real solid, scientifically acceptable research. And I think the beauty of some of OJJ's work at the moment is that that basic research, they are taking the findings, and the staff, the different components of the office, are forcing the researchers, like me, to be involved with the program development people, and then they end up in documents like Mark Soler had that pulls it together. So one broad area would be understanding that life course development.

The second area would be real evaluation research. And Professor Sherman wrote a report a year so ago—I forget exactly when it was—known as the Sherman Report—that said we don't know, in a lot of ways, what works because we don't evaluate it well, but we know how to evaluate it well. So the second broad area would be, as we have development programs, and we have new approaches to prevention intervention, we need to put the resources—and it is not cheap—we need to put the resources in and put the time in to finding out whether it works or not.

Those are my two areas.

Mr. SCOTT. Thank you.

Judge, there is some research that can be done quick and dirty. I think the focus ought to be on the long term, so we don't want to be disparaging—

Mr. ANDEREGG. Oh, I don't disagree. I don't disagree. And basically what I meant was the kind of research that is exactly what Mr. Thornberry was just describing, that is integrated with program development. And I think that the need for the other research is a need that you folks need because you want to make sure that your money, our money, is wisely spent. But there is a difference sometimes between what you folks need and what we need in doing our job. So I don't disagree.

Mr. SHERMAN. But if I may, Mr. Scott, the National Institute of Justice is doing precisely that kind of program development and independent evaluation research; in Birmingham, the Breaking the Cycle Project. The fact that they haven't done much juvenile justice research is related to the fact that the money for that has been in OJJDP. So I think that is kind of an unfair criticism.

And the idea that NIJ only does the pure long-term research is not supported by the record. There is plenty of evaluation research. The project we did in Kansas City that found a 50 percent reduction in gun crime was essentially a 1-year project and that, compared to these 12-year studies, is certainly quick, if not dirty.

Mr. ANDEREGG. Can I address that? That project was dealing with police enforcement of guns, gun availability, and that is the kind of thing that we are scared about. Because when you say there was a project that was done by NIJ that evaluated availability of guns, that has something to do with juvenile justice, but if you ask a judge was this a juvenile justice project, he or she will tell you, "I don't think so." It has an effect on what we do, certainly. But if you use that line of reasoning, then everything that NIJ has ever done is a juvenile justice project, and I don't think that is accurate either.

Mr. SCOTT. I think if it affects juvenile justice, whatever works, works. I mean, you can have an employment program, if that will reduce juvenile crime, then we need to look at that, too.

Mr. SHERMAN. And some of those kids had the guns or some of the gun carriers were kids.

Mr. SCOTT. Mr. Chairman, I think I want to thank the panel for particularly the last round because it shows the kind of things we need to be looking at long term.

Mr. MCCOLLUM. Well, I do too. I want to thank all of you. You have invested a lot of time today with us, and your analysis is very important to our consideration of this matter. Thank you, again.

This hearing is adjourned.

[Whereupon, at 12:11 p.m., the subcommittee was adjourned.]

APPENDIX

MATERIAL SUBMITTED FOR THE HEARING RECORD

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF JUSTICE PROGRAMS,
Washington, DC, October 6, 1999.

Mr. DANIEL J. BRYANT, *Counsel*,
Subcommittee on Crime,
Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. BRYANT: Enclosed is the reply to the question Chairman McCollum posed to Assistant Attorney General Laurie Robinson at her oversight hearing on July 22, 1999 on behalf of Chairman Hyde regarding the proposed National Domestic Preparedness Office and the joint National Readiness Center envisioned by Georgetown University and the University of Utah. I apologize for the delay in transmitting this response to you. I have also enclosed a disk with this information.

Please do not hesitate to contact me at 202/514-6094 if you require further information.

Sincerely,

HARRI J. KRAMER, *Director*,
Office of Congressional and Public Affairs.

Enclosure

RESPONSE TO THE QUESTION ASKED BY CHAIRMAN MCCOLLUM OF ASSISTANT ATTORNEY GENERAL FOR THE OFFICE OF JUSTICE PROGRAMS LAURIE ROBINSON ON JULY 22, 1999

Although the Office of Justice Programs has a limited understanding of the roles and activities envisioned by Georgetown University and the University of Utah for their proposed joint National Readiness Center for Domestic Chemical and Biological Terrorism, we do not believe the establishment of this university-based program would conflict with the roles and activities of the proposed National Domestic Preparedness Office (NDPO).

We based this conclusion on several factors. The first is that the roles and activities of the NDPO as proposed is that of both a clearinghouse and coordinator of federal agency policy, programs, and activities in the area of domestic terrorism. In this capacity, the NDPO interacts with other federal departments and serves as a bridge over which information is passed. The National Readiness Center, as a creature of two universities, would not perform this type of inter-federal agency role.

Further, based on an August 1999 meeting between OJP staff and representatives from both Georgetown University and the University of Utah, OJP understands the role of the national Readiness Center would be very different from that of the NDPO. Again, the NDPO is proposed as a federal entity to coordinate federal policy and programs. During discussions with representatives from Georgetown University and University of Utah, the role of the National Readiness Center was described as focused on research and development of technologies that would assist public safety personnel better respond to terrorist events, particularly in the area of biological agents. During this meeting, university officials representing the National Readiness Center indicated their Center would focus on combining the scientific, especially medical, expertise of both universities to focus on detection technologies for biological contaminants and computer technologies to aid in the tracking of contaminants. The Center would also focus on an outreach and education effort to emer-

gency response personnel, again with emphasis on the medical and public health community.

Therefore, based on this understanding, OJP does not see a duplication between the proposed NDPO and the National Readiness Center for Domestic Chemical and Biological Terrorism as proposed by Georgetown University and the University of Utah.

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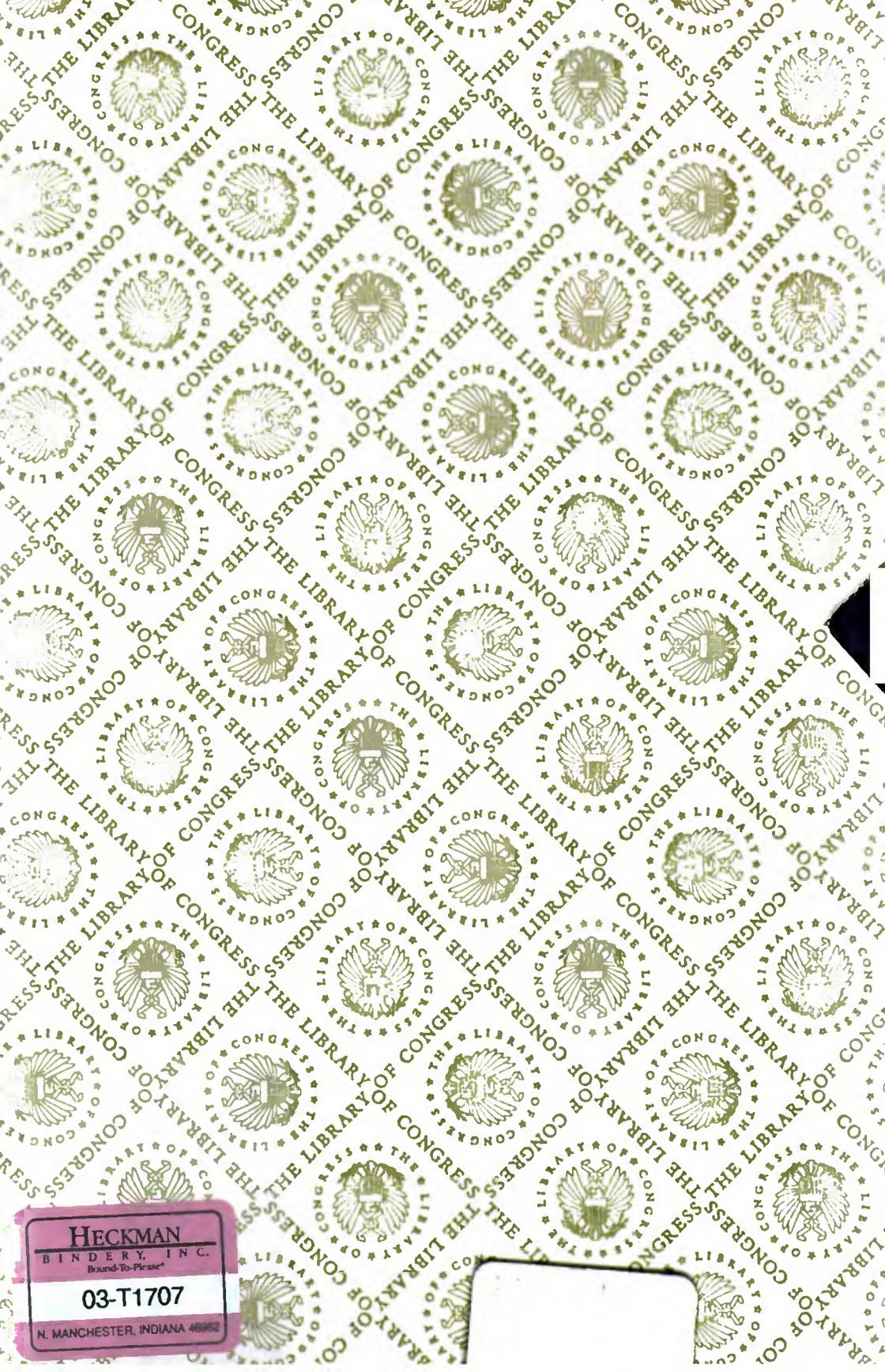


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