

**FIGHTING CRIME: THE CHALLENGES FACING
LOCAL LAW ENFORCEMENT AND THE FEDERAL
ROLE**

HEARING

BEFORE THE

COMMITTEE ON THE JUDICIARY

UNITED STATES SENATE

ONE HUNDRED NINTH CONGRESS

SECOND SESSION

—————
SEPTEMBER 22, 2006
—————

WILMINGTON, DELAWARE

—————
Serial No. J-109-116
—————

Printed for the use of the Committee on the Judiciary



U.S. GOVERNMENT PRINTING OFFICE

32-150 PDF

WASHINGTON : 2007

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512-1800; DC area (202) 512-1800
Fax: (202) 512-2250 Mail: Stop SSOP, Washington, DC 20402-0001

COMMITTEE ON THE JUDICIARY

ARLEN SPECTER, Pennsylvania, *Chairman*

ORRIN G. HATCH, Utah	PATRICK J. LEAHY, Vermont
CHARLES E. GRASSLEY, Iowa	EDWARD M. KENNEDY, Massachusetts
JON KYL, Arizona	JOSEPH R. BIDEN, JR., Delaware
MIKE DEWINE, Ohio	HERBERT KOHL, Wisconsin
JEFF SESSIONS, Alabama	DIANNE FEINSTEIN, California
LINDSEY O. GRAHAM, South Carolina	RUSSELL D. FEINGOLD, Wisconsin
JOHN CORNYN, Texas	CHARLES E. SCHUMER, New York
SAM BROWNBACK, Kansas	RICHARD J. DURBIN, Illinois
TOM COBURN, Oklahoma	

MICHAEL O'NEILL, *Chief Counsel and Staff Director*

BRUCE A. COHEN, *Democratic Chief Counsel and Staff Director*

CONTENTS

STATEMENTS OF COMMITTEE MEMBERS

	Page
Biden, Hon. Joseph R., Jr., a U.S. Senator from the State of Delaware	2
Specter, Hon. Arlen, a U.S. Senator from the State of Pennsylvania	1

WITNESSES

DiSabatino, Vincent J., Master Corporal, Wilmington Police Department, Wilmington, Delaware	11
Horvath, Jeffrey, Chief of Police, Dover Police Department, Dover, Delaware ..	8
Kane, Jim, Executive Director, Delaware Criminal Justice Council, Wilmington, Delaware	4
Mosley, James, Director, Wilmington Department of Public Safety, Wilmington, Delaware; accompanied by Michael Szczerba, Chief of Police, Wilmington Police Department, Wilmington, Delaware	6

SUBMISSIONS FOR THE RECORD

DiSabatino, Vincent J., Master Corporal, Wilmington Police Department, Wilmington, Delaware, statement	29
Horvath, Jeffrey, Chief of Police, Dover Police Department, Dover, Delaware, statement	32
Nolan, Cheri, Senior Policy Advisor, Criminal and Juvenile Justice Issues, Substance Abuse and Mental Health Services Administration, statement	35

FIGHTING CRIME: THE CHALLENGES FACING LOCAL LAW ENFORCEMENT AND THE FED- ERAL ROLE

FRIDAY, SEPTEMBER 22, 2006

UNITED STATES SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The Committee met, pursuant to notice, at 10:30 a.m., at the Clarence Fraim Boys and Girls Club, Wilmington, Delaware, Hon. Arlen Specter, Chairman of the Committee, presiding.

Present: Senators Specter and Biden.

OPENING STATEMENT OF HON. ARLEN SPECTER, A U.S. SENATOR FROM THE STATE OF PENNSYLVANIA

Chairman SPECTER. Good morning, ladies and gentlemen. The Senate Judiciary Committee hearing on “Fighting Crime: The Challenges Facing Local Law Enforcement and the Federal Role” will come to order. You know, Senator Biden is a past Chairman of the Senate Judiciary Committee, also a past Chairman of the Senate Foreign Relations Committee, a unique role in American political history, being elected to the United States Senate at the age of 29 when the Constitution sets the minimum age at 30.

[Laughter.]

Chairman SPECTER. But his mother and father were careful enough to arrange his chronology so that he became 30 before his swearing-in date. And he and I have worked very closely together in the time I have been in the Senate, although he is 8 years my senior in tenure in the Senate. And we share many common goals and many common interests, and one of the critical ones is law enforcement.

Senator Biden has been a leader in providing the so-called COPS program to have Federal funding to assist local law enforcement. Regrettably, there is not enough Federal funding on that subject, but we continue to work on it within budget constraints. He has also been the leader, with my cosponsorship, on protecting women against violence, and we are now working on the so-called Second Chance legislation to give—he is the principal sponsor. Again, I am working with him, as is Senator Brownback and others, to recognize that most people who are in jail are going to be released, and that it makes good sense to provide realistic rehabilitation so that they are not recidivists, coming back to commit more violent crimes, and also to give them an opportunity for rehabilitation to be productive citizens.

Senator Biden and I were just talking about the difficulties of being so close to the big cities. You have Philadelphia a short distance to the north, and you have Baltimore not too far to the south, and that exposes Wilmington to a great many transient drug users and other violent criminals.

So I am delighted that Senator Biden has taken the leadership on moving for this hearing, and I am very pleased to participate with him.

**STATEMENT OF HON. JOSEPH R. BIDEN, JR., A U.S. SENATOR
FROM THE STATE OF DELAWARE**

Senator BIDEN. Mr. Chairman, thank you. Thank you for being here today. The people of Delaware are thankful for your being here, and I appreciate it very much.

It is true that we have had very close relationships. Back in the old days when I was Chairman, we used to hold those hearings as well in Philadelphia, and there is a real relationship. We are much, much smaller, but what happens on Aramingo Avenue ends up on Market Street here. And what happens on Market Street here ends up in Seaford, Delaware. And what happens in Seaford ends up a little further down. So this is all connected.

But I want to thank you very much. You have been a stalwart. The whole genesis of the so-called crime bill that people talked about in 1994 was yours. It sounds like a mutual admiration society, but it is important that people know it was your Career Criminal Act, deciding to take what was limited resources and focus on those who commit most of the crime. I know all the officers here know, if they could take 7 to 10 percent of the people off the street that they could identify, they would reduce crime by 50 percent. And so that was the genesis of all that we worked on, and I again thank you for being here, and especially since you have got a busy day today. And I wish you a Happy New Year, and I know you have got to be home to celebrate with your family, too. So I am going to move this along.

I have a statement I would like to ask unanimous consent it be placed in the record, if I may, Mr. Chairman.

Chairman SPECTER. Without objection.

Senator BIDEN. And I will make just a couple comments.

You know, we hit on a system that worked pretty well, and you were one of the prime movers of what most people call the COPS bill, but it is the crime bill, which was much more than adding 100,000-plus cops on the street.

We also put money in for prevention and for prisons, and an interesting thing happened. As the witnesses, I suspect, will recall, they took that money and used it very wisely. Crime went down on average 7.5 percent a year for about 8 years. And one of the things that has happened is we were so successful—or I should say law enforcement was so successful using the additional tools we gave them that it is sort of like—among both our confreres in the Democratic and Republican Party, it is sort of like, well, we won the war on crime, it worked. I mean, they did such a good job people started thinking that maybe we can do less next year—not less in terms of the effort of law enforcement, but less in terms of funding.

The result has been, as you by implication have referenced, over the last several years we have cut several billion dollars, close to \$4 billion in local law enforcement assistance from the Federal level. I know you have resisted those cuts, and I know you have added money back, and I know we are facing real budget constraints. But I would just like to point out that crime and fighting crime I think is like cutting grass. You go out and cut your grass this weekend or in the middle of summer, and it looks pretty good. You let it go a week; it still looks good. You let it go a month; it looks ragged. You let it go for 3 months; you have got a jungle again.

And I do not know how we can ever, quite frankly, unless the population in the crime-committing years, those folks mostly young men between the ages of 14 and 30, unless that population drops significantly, I do not know how you can ever spend less money on law enforcement than you did the year before.

But in a sense, our colleagues who are going to be testifying today have become victims of their success. And the result is that crime rates—and I have this in a statement. I will not take the time to go into it now. But we find ourselves in a position where the Bureau of Statistics, the Uniform Crime Report of 2005—we do not have it for 2006 yet, obviously. The violent crime is starting to tick back up. We have a similar problem where we just have a miniature problem, we were talking earlier, of what you have in your great city of Philadelphia. The murder rate is high. Most of I think we are going to find is drug related.

And so there is a whole lot of work to do, and I think what we have to try to figure out to do is how do we deal with attempting to restore—I said 4 billion. I misspoke—\$2 billion in cuts to local law enforcement over the past 6 years. How do we better allocate the dollars to give law enforcement the resources they need?

I will conclude by saying my Dad used to have an expression, and you knew my Dad, and he was a great admirer of yours, as you know. He really was a great admirer of yours. My Dad used to say when I was a kid, I would come in and say, “But, Dad.” And I would give him an excuse for something I was not supposed to have done or what I should have done and I did not do. And I would say, “But I went and did such-and-such.” And he would look at me, and he would say, “Champ, if everything is equally important to you, nothing is important to you. It is all about priorities.” And I think the single most significant priority—and I know you know this from your days as D.A., and no has been more steadfast than you. I do not think Government has any responsibility higher than making the streets safe for people to be able to walk them. And you can have all the civil rights and all the civil liberties and the greatest education program and health care program, et cetera. But if you do not have safety on the street, then you are in real trouble. None of the rest matters nearly as much as it should.

So, with that, Mr. Chairman, I want to again thank you very, very much, and I would like to thank the Clarence Fraim Boys and Girls Club for accommodating us today, and thank all of you for being here. I know when Arlen, when the Senator walked in, he said, “You have got a good crowd here.” And I said, “These people

are the leaders in the community. They are very concerned about what is going on and what is not going on.”

So I welcome you to our State. I thank you for coming, and I yield the floor.

Chairman SPECTER. Thank you very much, Senator Biden.

We now turn to our distinguished panel of witnesses. The big time clock shows a 5-minute customary parameter for statements. To the extent you can adhere to that, we would appreciate it, giving us the maximum time for questions and answers.

Our first witness is Mr. Jim Kane, the Executive Director of the Delaware Criminal Justice Council. He has quite a resume in this field, having served on the Governor’s Advisory Commission on Youth, the Governor’s Council on Alcohol, Drug Abuse, and Mental Health, and the Governor’s Safe Streets Committee; previously was President of the National Criminal Justice Association from 2001 to 2003, so he has quite a lot of experience here.

Thank you for coming in today, Mr. Kane, and we look forward to your testimony.

**STATEMENT OF JIM KANE, EXECUTIVE DIRECTOR, DELAWARE
CRIMINAL JUSTICE COUNCIL, WILMINGTON, DELAWARE**

Mr. KANE. Thank you. Thank you for allowing me to testify today. I would like to thank the Boys and Girls Club for allowing us to use the facility. The Criminal Justice Council has a long history with the Boys and Girls Club. Their innovative approaches to working with young people have allowed them to serve thousands of at-risk children with Federal money funneled through the Council. They have opened six clubs in Kent and Sussex Counties. They have always been there to fill the needs of any request that I have made of them, no matter how late at night and no matter how bizarre. Senator Joseph Biden has been instrumental in funding the National Boys and Girls Clubs to begin small town Boys and Girls Clubs and Native American reservation clubs.

At the Criminal Justice Council, we tend to look at the criminal justice system as a continuum of events involving clients as they flow through the system. The Criminal Justice Council began looking at the characteristics of convicted criminals about 20 years ago. We have reviewed social and economic demographics of violent criminals. We have looked at these criminals as juvenile delinquents. We have looked at the same delinquents as abused children prior to their involvement in the criminal justice system. Over the years, we have become rather adroit at arresting, prosecuting, and convicting serious offenders. One of the things that we know for certain is that two-time violent felons have an excellent chance, about 80 percent, of being convicted of another violent felony. Therefore, we have concentrated most of our efforts in the law enforcement area on serious predators who we know are very difficult to rehabilitate. We have concentrated on these individuals with assistance from the United States Department of Justice. We have usually been able to reduce crime in whatever geographic grid we work with these offenders. That way we can maximize our enforcement efforts. We have been less than successful in rehabilitating this population.

One of our more successful programs has been Operation Safe Streets. This program combines prevention efforts, law enforcement, victim assistance, and reentry opportunities for returning inmates with two previous felony convictions in pre-defined geographic grids. Prevention services are provided at community centers, Boys and Girls Clubs, and Police Athletic League. During nighttime hours, police, adult, and juvenile probation officers team with each other to supervise and check on two-time violent felons returning to their community. The results in defined areas have been startling.

For example, in Wilmington our Safe Streets operations have dramatically reduced shootings in whatever neighborhoods they were placed. Secondary and tertiary victims of crime have been provided with grief and fear support. Literally hundreds of violent felons have been reincarcerated over the last 5 years. Thousands of youth were served.

Now, as an example of how serious and dangerous this is, last night two of the Wilmington Safe Streets officers were actually in an accident and went to the hospital because they were chasing people through a neighborhood.

The Delaware State Police has incorporated Safe Streets, and they call it the Governor's Task Force. These units function statewide and have been responsible for large amounts of arrests and drug and gun confiscations.

The Dover Safe Streets Operation has increased the safety in the city of Dover. Again, as a reminder of the seriousness of the people that the officers are concentrating on, two officers were seriously wounded in a shootout in Dover chasing a Safe Streets client late at night.

New Castle County: We began a limited Safe Streets Operation in New Castle County just on June 19th. Since June 19th, 200 teenagers were served by PAL and the Boys and Girls Club; 120 two-time violent felons were removed from the community; \$18,000 was seized in cash or stolen property; and over 600 grams of illicit drugs were found. We also seized 6 weapons, 47 victims of violence were served through our victim unit, and 70 probationers who decided to do the right thing received rehab services.

I think three of the Safe Streets officers are in the back in the yellow shirts from the county. I do not know where you guys are. Did they run away? They do not like any credit, but they are out there risking their lives every night for us.

Our studies have indicated that 80 percent of the shooter/shootees in the city of Wilmington are African American males between the ages of 14 and 24. If you look at the criminal justice system and criminals as a pyramid, the top of that pyramid are two-time violent felons. The pool of individuals at the bottom tend to be poor African American male children who do not have the means to make it in society. The Safe Streets program addresses both ends of the spectrum. We deal with high-risk probationers, and we also try to work with and help high-risk children.

The reduction in Federal crime dollars has already reduced the community policing capacity. Elimination of the COPS program has destroyed a tool that we could use in the local level to prevent crime.

Prevention and Byrne dollar reductions have almost eliminated our ability to open community centers in the evening.

Most of our case processing projects that defer minor offenders from going through the system have been changed.

We have lost thousands in drug treatment money; therefore, our ability to rehab inmates in the community has lessened.

Safe Street Operations will not be implemented in highly needed neighborhoods because of the lack of money.

In the past, the crime bill provided the States with a balanced funding approach to criminal justice so that we could create innovations for the different components of the system. The crime bill created many innovations in the area of speedy trial that otherwise would not have been initiated. The reduction of Federal dollars has greatly diminished our balanced approach.

I would like to thank Senator Biden and Senator Specter for their overwhelming support for State and local criminal justice, and I would be happy to answer any questions.

Chairman SPECTER. Thank you very much, Mr. Kane.

We turn to our second witness, Mr. Jim Mosley. He began his career as a helicopter door gunner while serving in South Vietnam and was selected by the Supreme Allied Commander in Europe to lead his personal security team.

Mr. Mosley is the Public Safety Director for the City of Wilmington and serves as the anti-terrorism coordinator for the city; bachelor's degree in business administration from Delaware State University; master's degree in administration of justice from Webster.

The floor is yours, Mr. Mosley.

STATEMENT OF JAMES MOSLEY, DIRECTOR, WILMINGTON DEPARTMENT OF PUBLIC SAFETY, WILMINGTON, DELAWARE; ACCOMPANIED BY MICHAEL SZCZERBA, CHIEF OF POLICE, WILMINGTON POLICE DEPARTMENT, WILMINGTON, DELAWARE

Mr. MOSLEY. Thank you very much, sir. As Mr. Kane mentioned, the supporting of the presence of police officers in those programs that are used within the various cities, certainly in Wilmington, has greatly impacted our ability in the past to keep our police officers forward deployed. And by that I mean we have been able to keep the officers on the streets.

In the absence of these programs, we have to use—I have the Chief of Police, Mike Szczerba, here with me, who can answer specific questions related to employment and deployment of police. But the absence of these programs causes the Chief to bring out those folks that we would like to keep forward deployed in the streets and put them in specialized programs and/or areas where, thus, taking away from our street presence. And when we take away from the street presence, the citizens see that and the police see that as a very frustrating thing.

Recently, we have adopted a program in the city. It is a study that began at Yale University in Connecticut, and it is called the Child Development Community Policing Program, which is an augmentation to the police in that now when the police respond to an incident where children are involved, be they victims or witnesses,

the police stay and we now send in a trained clinician to work with the families of the victims and/or witnesses to these incidents, thus hoping to have an impact on just how our children—first of all, how they view police, one; and then the other certainly is what impact it has on them and their future as productive citizens.

But, again, the police-funded, federally funded programs has—when we talk about impacting on the presence of police officers, the Wilmington police officers respond to approximately 130,000 calls for service a year. For the most part, they are a 911-driven organization. The men and women of the police department do an excellent job of responding and preventing crime as best they can. However, there are many crimes—there are many calls for service that go unanswered. There are many calls for service where people have to wait sometimes hours to get a police officer to respond to the less serious offenses. Certainly they, like any other police organization, will prioritize their calls, and those that threaten public safety are certainly at the top of the list. But in this absence of Federal assistance, we have had to cut our forces back considerably.

As far as monies within the city, city money funding for police competes with the need to secure and improve upon your infrastructure. There are still potholes. There are still buildings that need repair. There are still many other things that the city needs in order to sustain itself and serve its citizens that now we are up and competing for.

We have had to—some of our schools in the city have hired private police officers so that they can assure their students and families that they are safer. We have done the same thing with various housing communities within the city as well. They have hired private police officers, some of which are police officers. We have been fortunate enough to be able to increase our authorized strength by these numbers; however, these police officers come to work and go to these respective agencies that hire them as private officers.

Again, I have got to go back to the inability to timely respond to our calls for service. That impacts on the—and I am sure everybody here is familiar with the term “community policing.” I am a very big proponent of community policing. I think the community and the police working together makes for a better community, makes for a safer community, and I think it enhances both of our—what we are trying to do in the streets.

But if we cannot do that, if the police cannot be there in a timely fashion, if they cannot stay there for the time that they would like to, and if they cannot have that presence as a beat cop, if you will, or as a district cop or community policing officer, then it impacts, again, on the public’s perception of the police. The police are viewed as not caring, which is certainly not the case. They do care. They do an excellent job of what they do.

But the other thing is since 9/11, one thing that nationwide we have talked about is the weapons of mass destruction, the need to protect the homeland and those types of things. But I will tell you, gentlemen, as I go through the neighborhoods and talk about homeland security and weapons of mass destruction, what I too often get is the homeland for the majority of our citizens is right outside their door. The protection for them is ridding their corners or neighborhoods of the drug-related criminals and criminal activ-

ity in the neighborhood. For them, when you talk about securing in place, too often for them that means something like staying out of the windows at night and/or sleeping below the window ledge so that stray bullets do not come through the houses in the middle of the night.

Now, a lot of that has got to do with the absence of having—the inability to have a police presence in the neighborhood, and that is absolutely important. When you talk terrorists to these folks that are victims of this, the terrorist to them is, again, a group too often of drug-dealing and/or drug-using individuals in their neighborhoods. That is their terrorism. That to them is the most threatening to them. A weapon of mass destruction is a gun or a group of guns where you have these individuals shooting at one another.

I understand what they are saying, and it is very difficult to get them to—we have a saying here in the State: If you see it, say it. And as it relates to terrorists, suspicious activity, we want people to do that. But the question I get back is: “You want me to tell you about terrorism. I am telling you about my street. That is as far as I can see and go right now, because that is the immediate threat to me. And it is very, very real.”

I would be glad to answer any questions.

Chairman SPECTER. Thank you very much, Mr. Mosley.

Our next witness is Chief Jeffrey Horvath. A graduate of the Delaware State Police Academy in 1984, he has risen through the ranks: patrolman, patrolman first class, corporate, sergeant, lieutenant. He holds an associate’s degree in criminal justice from Delaware Technical and Community College and is a graduate of the FBI National Academy.

We appreciate your service and your being here, Chief Horvath, and we look forward to your testimony.

**STATEMENT OF JEFFREY HORVATH, CHIEF OF POLICE,
DOVER POLICE DEPARTMENT, DOVER, DELAWARE**

Chief HORVATH. Thank you. Chairman Specter, Senator Biden, thank you for giving me the opportunity to speak here today. I consider this to be a privilege. As you said, I am the Chief of Police of the Dover Police Department. I also serve on the Board of Directors of the Delaware Police Chiefs Council. I am the Vice Chairman of the Delaware Police Chiefs Foundation, and I serve as the Delaware Chiefs’ Representative to the State Association of Chiefs of Police, known as SACOP. I only mention that because I would like to think that I am not here today just representing the 91 sworn men and women of the Dover Police Department, but I am also representing the Delaware Police Chiefs Council and the smaller departments in Kent and Sussex Counties.

I would like to begin by talking about Dover, however. As I stated, we have an authorized strength of 91 sworn officers, which makes Dover the fourth largest police department in the State of Delaware. Although we face many challenges, I can state with absolute certainty that illegal drugs and the related crimes that surround them are our greatest challenge. My officers have heard me say time and time again that I really believe that at least 80 percent of all crime is either directly or indirectly related to the illegal drug sales that occur on our streets.

There are also three colleges, a university, Dover Downs International Speedway, and the Dover Air Force Base located in the city limits, which add to our responsibilities and our duties and our challenges.

When I was promoted to chief in 2001, we had 81 sworn police officers. We have been able to increase our authorized strength by ten officers over the past 5 years. Six of those ten officers are a direct result of my department securing Federal grants through the COPS program. It has been, in my opinion, a tremendous success. Without those funds, we would not have been as effective as we are today, and since adding those officers, we have increased our drug unit, and as a result, we have been able to increase our proactive drug arrests every year for the past 5 years. And we are on schedule to increase it greatly this year also.

As a result of COPS funding, we also now have two school resource officers. I think Capital School District was one of the last districts to obtain school resource officers, and, quite frankly, it was long overdue. Without the COPS program, as the chief I would not have been able to place two police officers in the schools. The officers have made an immediate impact and are providing a much safer environment for our children to learn. These officers have arrested drug dealers in the school and have removed them from the school. They have confiscated dangerous weapons, and they have prevented acts of violence in the hallways and on the playgrounds. We have also used COPS money to add police officers to our patrol force, which I think everybody here will agree is the backbone of any police department.

I have also been fortunate enough to have a City Council that recently agreed to add four officers to the department to form what we call a Quality of Life Task Force. These officers go out and their job is to enforce the often overlooked, less serious crimes and violations that, quite frankly, most police officers do not have the time to deal with because of the increased calls for service. We are trying to use these guys to increase the quality of life for the people that live in our neighborhoods. Some of those crimes, just to let you know, would include loud parties, loud music, public intoxication, prostitution, and loitering, just to name a few.

I would have loved to have used COPS money to get these four officers. Luckily, we had money from a red light camera enforcement program to use. But I am one of the fortunate chiefs that is able to sit here and tell you that I had a council that agreed to add police officers to the department. A lot of chiefs have not been as fortunate and cannot tell you the same story. In fact, at the last SACOP meeting in March of this year, several chiefs were actually talking about having to reduce the number of police officers to meet budget cuts. Many chiefs were complaining about the lack of Federal funding which was preventing them from adding valuable and needed officers to their department. Instead of securing Federal grants to add officers to our streets, departments are forced to do more with either the same number of officers or in some cases to do more with less.

Where has all the Federal funding gone? In the proposed President's Federal budget, the JAG program originally was completely eliminated. The proposed budget also greatly reduces the COPS

program from \$478.3 million in fiscal year 2006 to just \$102 million in fiscal year 2007. The interesting part about that number is that \$100 million of that \$102 million was actually carry-over from previous budgets. This means the administration is only proposing \$2 million in new funding for the COPS Office.

Some will argue, however, that additional funding has been proposed for the Department of Homeland Security. More funding for homeland security is very important, and I support that to the end. However, I think it is important that we do not rob Peter to pay Paul, and that is what it appears that we are doing. Homeland security is extremely important, but it is no more important than maintaining the core capabilities of local law enforcement so that they are able to meet the day-to-day challenges of protecting our communities from traditional acts of crime and violence. At a recent meeting of the IACP, they were explaining this, how they have taken money from COPS and JAG and moved it over to homeland security, and I thought it was interesting that one of the chiefs actually stood up and said that he had 14 homicides in his jurisdiction and Osama bin Laden was not a suspect in any of them. So it kind of hit home with me.

Through the Department of Homeland Security, each police department in Delaware has received protective gear, numerous items of necessary equipment, and valuable training. However, none of the Department of Homeland Security funds can be used to hire more police officers, and we no longer can afford to add officers to our departments.

Hometown security is homeland security. Local law enforcement has demonstrated this on numerous occasions. The arrests of Timothy McVeigh and Eric Rudolph by local police officers are examples of the critical role that local law enforcement officers play in homeland security. Homeland security should include ensuring that State and local law enforcement agencies continue to place officers out in the communities so they can interact with the citizens and investigate suspicious behavior.

I have gone over my time, so I will cut this short. I just want to finish by saying the Dover Police Department has received over \$1.2 million in Federal grants over the past 10 years. One of the chiefs prior to me, Chief Hutchinson, also added a great number of police officers to our department using Federal grants. It has been extremely valuable in helping us protect the streets of Dover, and without those Federal funds, we would not have been able to do that.

Thank you very much. I would be willing to answer any questions.

[The prepared statement of Chief Horvath appears as a submission for the record.]

Chairman SPECTER. Thank you very much, Chief Horvath.

Our final witness is Master Corporal Vincent DiSabatino, who is the President of the Wilmington Fraternal Order of Police. Mr. DiSabatino has been on the Wilmington Police Department since 1984, served in the Patrol Division until he was promoted to detective, and he currently serves in the Drugs, Vice, and Organized Crime Division, where he teaches new recruits at the Police Academy.

We appreciate your being here, Mr. DiSabatino, and the floor is yours.

**STATEMENT OF VINCENT J. DISABATINO, MASTER CORPORAL,
WILMINGTON POLICE DEPARTMENT, WILMINGTON, DELA-
WARE**

Mr. DISABATINO. Thank you. Chairman Specter and Senator Biden, I would like to thank you for the opportunity to testify about the challenges that local law enforcement professionals face on a day-to-day basis.

The local patrol officer faces many challenges, and I am here to discuss the difficulties encountered by local officers—from the officer working the beat to the probation and parole officer who has to deal with the criminal element once they are released back into society.

It seems that every day we are reminded of the Iraq war and the unfortunate casualties there. We hear about the killing of innocent men, women, and children and the never-ending challenges facing the Iraqi people. We are told we need to send more troops, money, and supplies to free the people of that country from fear and terror.

I believe that we have forgotten or placed second the struggles against crime here at home. Criminals have terrorized Americans in communities throughout the Nation, making them afraid to go out into their own neighborhoods and enjoy some of the same freedoms that we are trying to bring to the people of Iraq. These neighborhood terrorists control and lock down whole city blocks, making citizens afraid to go out, preventing children from playing in their front yards or neighborhood parks. These gangsters harass and kill innocent people with their drug trade and illegal weapons. Quite simply, they hold neighborhoods and cities hostage.

These criminals are not dummies. Every day they become smarter. They buy the latest technical equipment so that they can conceal their weapons, their contraband, and their money from the law. Their only goal is to make more money, and the lure of making more money brings them new recruits eager to learn the business and work their way to the top by any means necessary.

In my view, the law enforcement community is behind the eight ball. We find our local governments do not have the resources, money, personnel, or equipment needed to turn the war on drugs around in our favor. It is critical that our local government receives the Federal assistance to help police departments protect their neighborhoods.

The primary issue is manpower. The ability to put more police on the street is critical. One problem is funding, but another is that we are short of qualified applicants. We need to do much more to recruit qualified candidates to a career in law enforcement.

One problem we see is that departments lose personnel faster than they can afford to replace them. We also see that departments try and fill the manpower void by posting overtime, making the already overworked police officer even more overworked. This eliminates preventive patrolling and community policing. The beat cop working on our city's streets has become a memory.

This is critical. It is essential that people see the same officer in their neighborhood day in and day out. It is critical to have an offi-

cer that knows the trouble spots and the troublemakers. Just as important, community policing allows the community to know the officer, to trust that officer, which will ultimately help solve cases because with this trust they will call in information that may help solve a case. This is a vital link to successfully fighting crime.

I can tell you no officer wants to see bars on windows on doors, an empty park, or parents forced to run into their home with the children so that they do not become a shooting victim. Unfortunately, these are common sights in the Hilltop area, the Bucket, and the Valley.

The job of being a police officer has gotten tougher over my career, and I am certain these challenges will escalate over time. We can only hope that programs that have helped States, counties, and municipalities throughout the country in the past can be started up again. I hope you can hear the local governments asking for more troops and the much needed supplies to fight the domestic war that has been going on too long on American soil.

And like everyone else, I will answer questions. That is why we are here.

[The prepared statement of Mr. DiSabatino appears as a submission for the record.]

Chairman SPECTER. Thank you very much, Mr. DiSabatino.

Beginning with you, Mr. Kane, we now move to the portion of our hearing where Senator Biden and I will pose questions. I note among your many responsibilities you serve on the Governor's Advisory Commission on Youth. What would you say is the most effective way of dealing with youth, both on prevention or putting them on the rehabilitation path if they have committed offenses?

Mr. KANE. If I actually knew that answer, I would be a million dollar consultant, but I will try to answer that because we have not done very well with that.

I think a holistic approach in the prevention area where a Boys and Girls Club or a school becomes the child's almost parent, where you would work with the value development, educational development, and recreational and cultural issues so that the child has a chance to develop.

We funded a small program at a Nativity School where we took 15 disadvantaged kids and treated them like they were in a private school environment. Each kid was behind 2 years in school. Eight of them have graduated from eighth grade and have been accepted at private schools and Catholic schools on free scholarships, and they passed the grade like everybody else.

In the treatment end, on the back end for a delinquent, I think the earlier with provide rehab services to a child, the more likely you are to keep them from coming back. And at the back end, I think it is more about accountability and watching them.

Chairman SPECTER. Mr. Mosley, you make a comment that it is regrettable, but factual, that there is a long wait when somebody calls for a policeman on the spot. We are talking about priorities all the time, and it is difficult to balance. But looking at your comment on the long wait, assess, if you can, when the Federal Government makes its allocations—and we are under budget constraints—about putting more money in the COPS program to help

you with police on the street contrasted with rehabilitation on drugs. What would you suggest?

Mr. MOSLEY. If I may, sir, I will give that a quick answer. But if I may, too, I would like to bring the chief of police forward, who I think can probably address that better. But the quick answer to that, as far as I am concerned, is the more officers we have on the street, the more able we are to address all things and all calls for service. That means timeliness. That means service to the public. That means a thorough investigation. That means caring about—and while the officers care now, there just is not time, unfortunately, when you are 911-driven, to stop and take the time to get all the particulars and have all the interaction I think that is needed to help communities be safer.

But if we had more officers, obviously we could be in more places at one time.

Chairman SPECTER. Chief Horvath, I would like you to pick up on the same question. You accurately note that 80 percent of crime is drug related, and that goes to the rehabilitation issue, detoxification. You note the decrease in Federal grants, which is accurate. I would like your insights as to the balance. And as a subordinate question, we now have close to \$40 billion in homeland security. What could be done by giving the homeland security people some local law enforcement responsibilities as well?

Chief HORVATH. I will answer the first question first, and I will give you the police officer's answer, not the social worker's answer, because I am sure we differ on this a little bit.

I do not think rehabilitation has the same success rate that police departments do as far as getting crime off the street. But I do consider it to be very important. So if you are going to ask me personally how do you balance rehabilitation versus enforcement, I think enforcement should get the brunt of that in my personal opinion. And I know I speak just as a law enforcement officer when I say that.

To the second question, I think homeland security funding going down to local law enforcement is great. It would be wonderful if we could use that money to also add police officers. Every time the threat level is raised, I have to take a police officer out of the neighborhood and have him patrol the fence at Dover Air Force Base at certain times throughout the day. So now he is not in a high-crime neighborhood. He is at an extremely low-crime part of Dover. Crime is virtually nonexistent at Dover Air Force Base. But it is important that we keep it that way, and when the threat level is raised, I understand we have to patrol that. It is just a shame I have to take one officer from one spot to put him to another.

So the quick answer is I think some of that \$40 billion that you speak of being sent down to local law enforcement for homeland security, as I said in my statement, hometown security is homeland security. And there is a really good chance that local law enforcement, whether it is a State police officer or a Dover officer or a Wilmington officer, is going to come in contact with the terrorist before someone from the FBI does or another agency.

Chairman SPECTER. Mr. DiSabatino, I note from your biographical resume that you lecture youth groups on the dangers associated with illegal drug use. Tell us what you find on those lectures with

respect to responses from the young people and what techniques you find to be the most effective in reaching them to try to influence their behavior with respect to potential drug use.

Mr. DISABATINO. The most shocking thing when I speak with them is they know a lot more than I give them credit. Unfortunately, when I start talking to them and showing them some of the things that we have confiscated from drug dealers that the drug dealers use for trade, they will tell me, "Oh, I have seen those down at the park. Oh, yeah, there were a couple guys that had a cigarette that looked like that," and so forth. And they start explaining things to me that I am not aware of. And then I go back, and I will maybe go on the Internet or try to look it up, and they are correct. I think the sad part is that the knowledge that they have already about the drug trade, about those that are using drugs and the friends that they know are using drugs really scares me at times.

The other thing I—

Chairman SPECTER. Are you suggesting that it is a reciprocal lecture, they lecture you a little?

[Laughter.]

Mr. DISABATINO. Every time I go somewhere, Senator, I learn something from everyone. And the other thing is that I find that if I just talk to them on their level, not try to, I guess, talk above them or something, then I get a better response from them. As I was just saying, when they start telling me things about certain drugs they know about, about certain things they see in parks, when I am interested in what they are telling me, they open up more and I find out more things about it.

Chairman SPECTER. Thank you very much.

Senator Biden?

Senator BIDEN. Thank you, Mr. Chairman.

Mr. Chairman, with your permission, I would like to introduce a couple elected officials that are here, if that is all right.

Chairman SPECTER. Without objection.

Senator BIDEN. Councilwoman Stephanie Bolden, who is the Chair of the Public Safety Committee for the City Council, is here. Stephanie, thank you for being here.

Helene Keeley is the State Representative of the 3rd District; she is here, I am told. Hi, Helene. Thank you for being here.

And two members of the County Council: An old friend, we have served a long time together, although he does not look like he has served a long time, Penrose Hollins of the 4th County Council District. Penrose, welcome.

And, also, Jea Street of the 10th District, Jea is here. Thank you, Jea, for being here.

Gentlemen, I would like to ask you a few questions, if I may, and, Mr. Chairman, I would ask unanimous consent that a statement by Senator Feingold of Wisconsin be placed in the record.

Chairman SPECTER. Without objection, it will be made a part of the record.

Senator BIDEN. Gentleman, in the past, meaning 6, 7, 8 years ago, or even now, the FBI has taken on some responsibility, violent crime task forces, the DEA presence in the State. We went out of

our way to get a DEA presence down in Dover and an office down there, and the FBI as well.

Tell me, have they been able to devote as many resources in the last couple years as they have in the past to whatever degree they have worked with all of you, either at the local level, statewide level, or in the city of Wilmington? And I will open that to anyone. Jim, if you would like to respond?

Mr. KANE. We have utilized the Feds on some occasions. They tend to want high-profile cases with very, very serious people, and I think they are somewhat preoccupied with the terrorism. We have a weed-and-seed program with Federal Government involvement. But I think in the past there were more resources available to help us.

Senator BIDEN. Anyone else like to comment on that?

Yes, Vince.

Mr. THOMAS. I know approximately 2 years ago in the city of Wilmington we had the DEA in, and we worked a wire, and it was very successful. I do not believe we realized the amount of drugs that this individual was selling on the street and the extent of his business and his connections that he had. He was also highlighted in the Delaware Today magazine because he was such a large player in the drug trade.

We ended up seizing large amounts of heroin at the time and also a large amount of vehicles that the subject was using, along with some of the technical equipment that they were also using.

Senator BIDEN. What I am hearing as I go around the country and what we have heard in the Committee is that DEA has had to, as you know, scrap their violent crime task forces, they have had to scrap a number of other efforts that they have been able to in the past work with local law enforcement because they are strapped. I personally think they are about a thousand agents short over what they need because they have necessarily had to move to terrorism.

I was just trying to get a sense of what impact that has had on your ability to—to the extent they augmented—their manpower augmented your efforts in the past and whether or not you feel it now, whether there is any impact at all. That was the reason for the question.

One of the things that I was most proud of in the crime bill—and Senator Specter supported it as well—was the School Resource Officer program. I found it to be extremely—based on here in the State of Delaware, talking to State police in particular, a very, very useful tool.

How many, if you know, Jim, have we had to cut back on now that we have eliminated the funding for those? Have the school districts picked it up?

Mr. KANE. I do not have that number, but many of the school districts have picked it up. We have even funded some with Byrne in Newark High School and Glasgow. So I think the State recognizes it is important, but we could certainly use more of that. It does make the hallways safer.

Senator BIDEN. One of the reasons I ask it is, when we first put that program in, some people were skeptical. And one of the few things I am finding States are picking up that seemed in many

places extraneous as the Federal funding is cut is the overwhelming popularity of the school resource officers. And my understanding is a number of school districts, even though they are strapped, have gone out and tried to—and you have used the Byrne grant money. What has been the impact, Jim, of the cuts in the Byrne grant, from your perspective as you look at it statewide, on local law enforcement?

Mr. KANE. Well, when the Byrne money was eliminated and the Justice Assistance grant went back in, we lost about \$1.5 million along the way. So our drug treatment pods in the prison are drastically going to be cut back, and then the RSAC cuts along with it, and each—

Senator BIDEN. Explain what RSAC is?

Mr. KANE. RSAC is a residential substance abuse treatment program that the State of Delaware used to fund KEY/CREST pods, and each percentage of money goes for a total pod. You have to fund the whole thing. You cannot fund part of it. And then we used the other portion to fund drug treatment in the juvenile prison. That will be eliminated. There will still be some drug treatment, obviously, but the RSAC is—we are looking at, I think, according to Stan, about 80 to 100 inmates will not get drug treatment because it drastically reduces the concept they have, which is 6 months to release and then 6 more months after.

We have lost our ability to expand the Safe Streets operations. I am using reverted money to try to keep every neighborhood happy, and it works, so I do not have the funds to do that. A lot of our diversion programs are starting to end because I do not have the money for the AG or the PD or the providers that divert cases.

And as the Federal Government works, it takes a while for the cuts to kick in because you are always working a little bit in reverse.

Senator BIDEN. So what you are looking at is not a very happy prospect then, as you look down the road.

Mr. KANE. No. It is more with less and more constituents at the table asking for money, and it is difficult to keep everybody happy.

Senator BIDEN. And the Operation Safe Streets—I leaned over when you were referencing it—as I said at the outset, you are talking two-time felons that you are looking at, and as I said to Senator Specter, and I said, “He has been harping on this for 30 years.” He said, “No, 40.”

But the truth of the matter is that it is a big payoff. It is a big payoff. And you are telling me that program is being cut back, Operation Safe Streets? Or are you cutting other programs to continue to fund that?

Mr. KANE. Well, I have probably a lot of board members in the room, so I cannot really answer that. But the truth is—

[Laughter.]

Mr. KANE. The truth is probably somewhere in the middle. We cannot fund them in total like we used to. For example, in Wilmington when we ran Safe Streets, we were able to keep every community center open until midnight, which took a lot of kids off the street. And I do not have that money anymore, and I can only operate it in specific grids for finite amounts of time.

Senator BIDEN. Could you see any difference when you had them open until midnight and now not being able to have them open until midnight? Maybe Chief Szczerba should be the one to answer that. Is there any concomitant impact on crime in the street or vandalism or violent crime? Keeping them open, did it work?

Chief SZCZERBA. Yes, I think it greatly affects the quality of life in those communities, you know, because we have to strike a balanced pose here in law enforcement, you know, what we can do, what traditionally we are to do, enforce the law, but also hold in the community as the assets that we can add to it. And that is where, you know, we are losing. And if we are going to lose in one area, it is going to be in that area because we have to maintain public safety here in the city of Wilmington. So it is going to be on the law enforcement side where we are going to try to maintain those funds and continue to do so.

You know, you mentioned about the school resource officers. We actually stepped forward here in the city of Wilmington. We have about 37 schools, and we only have one really truly public high school here, and we have a school resource officer which we just added recently there, and a couple of our alternative schools. But we could utilize that because that is our most valuable resource in the community, is the youth, and that is where we are falling behind, you know, to have an influence on that youth with a community center with extended hours or have a school resource officer in a school to reach that youth before they get into a problem.

Senator BIDEN. Chief, elaborate for us, if you will, on what Director Mosley was talking about when he said the impact has been that in the city of Wilmington—he referred to it as forward-deployed police, community policing. Why aren't you able to keep—let me back up.

When we wrote this crime bill, community policing was not an original idea with me, but the condition upon any community getting additional police under the crime bill was that they had to go to community policing. And when I met with law enforcement for the years—and Senator Specter knew this already—before we got that bill passed, law enforcement officers, beat cops—who were not beat cops—were not crazy about the idea of community policing because they did not have the resources. They knew if they had to get out of their car, patrol car, walk the neighborhoods or go to the neighborhood meetings and the rest, what would happen is they would be on their own, they would be very thinly spread, and they would not be able to respond very quickly.

And that was the whole notion of using the COPS bill as a multiplier, putting 100,000 cops in the street when there were 560,000 local cops nationwide, brought the number up to—now it is a little more than 100,000, over 660,000 local cops. But it had an incredible multiplier effect. It required all those 550,000, or whatever the exact number was, to go and be beat cops. You had to put community policing in. I would argue that is one of the real significant reasons why crime dropped—because people were in neighborhoods.

Now, I want to make sure I understand what Director Mosley is saying. Your ability to do that is constrained by what? Numbers or

having to dedicate law enforcement—Wilmington cops to Federal task forces? I mean, what is the reason why?

Chief SZCZERBA. It is a combination. I would have to check selection D, All of the above.

Senator BIDEN. Right.

Chief SZCZERBA. It is the demand that the officers have on the street, so it is lacking in numbers and also the ever-increasing demand, and the increasing demand—which was already mentioned at this table, the increasing demand is driven by America's appetite for illegal drugs, and that is how our crime is driven.

We have to strike a balance in law enforcement, whether it be the city of Wilmington, the city of Dover, or the city of Seaford, and striking that balance is being able to maintain a properly staffed force to respond to the calls for service, which was already terms as 911-driven. And, yes, we are. But also to be able to—

Senator BIDEN. Let me make sure I understand—I understand, but I want to make sure the press understands this. If you have, figuratively speaking, all your uniform officers out on the street acting as what most people would think as beat cops in their area, jurisdiction, and neighborhood, and you have them all out, that diminishes your ability to surge forces somewhere when you have to respond to something that goes beyond the requirement of a single cop in that neighborhood. Is that kind of what you are talking about?

Chief SZCZERBA. Yes. It is about striking that balance because you will still be 911-driven, but, however, you must maintain a presence in those neighborhoods. And the presence in those neighborhoods are the community policing officers. Here locally in Wilmington, we have a community policing unit, and they will be able to respond to the community needs for long-term problem solving, working a true hand-in-hand partnership.

It has to be a philosophy that has to be throughout the entire police department. However, we know that would not be realistic because as you can hear the sirens in the background here today, we are responding. They are not community policing officers. They are officers in our Patrol Division. So it is striking the balance. I am, you know, a proponent of—I refer to it as “quality policing” because if you are saying “community policing,” folks are going to think that you will have in every neighborhood a walking officer, you will have a police station there set up. That is not the case. It is about quality policing and striking that balance.

Senator BIDEN. If, in fact, you had—and I am going to ask you this question as well, Chief. If, in fact, you had a relatively limited budget—if we could double your budget, the State, the city, the Federal Government were able to double your budget, what would you do first that you are not doing now if you had significantly more resources? If the director came to me and said, “We got good news. We got another 4 million, 5 million bucks you can spend this year, Chief, and you can have it for the next 6 years out,” what is the first thing you are going to do? And as well in Dover, Chief. Maybe it is the best way for me, at least, to understand what your greatest needs are, what your priorities would be that are not being covered the way you would want to cover them now.

Chief SZCZERBA. It is not getting any more complicated. It was already mentioned here this morning. Putting more cops on the street, more uniformed officers on the street. It sounds simplistic, but they are—

Senator BIDEN. It does.

Chief SZCZERBA. I mentioned we have a Uniformed Services Division, we have a Community Policing Unit. Somewhere in between there we need to be able to respond. We have some communities that are fairly stable, and then we have some communities that are in strife, and to have a unit particularly to respond to those communities in force so you would have something between your Uniformed Service Division and your community policing officers to come in and saturate that area.

We made an attempt at that here in the city of Wilmington last year, and that was through the assistance of outside agencies, utilizing the services of Delaware State Police and New Castle County Police. And how we were able to do that is we still had the same amount of Wilmington officers in that area in northeast Wilmington. However, we were then augmented by the Delaware State Police. The policing activities were driven by Wilmington police officers. They made the lock-ups, handled the paper there. However, when we initiated that activity, we did not lose presence in that neighborhood because we had the assistance of those outside departments, and that mere physical presence, uniformed officers on the street, made the difference. And so the—

Senator BIDEN. Was it effective?

Chief SZCZERBA. I believe it was, and statistic-wise, we have seen some areas where it did not seem so. But if you talked to the folks in the neighborhood, that is where the difference was made. And that is what we heard. We had a positive response not only back to the police department but the members of our council. And I think it was very effective. And that is what I mean by if we could put people in uniforms, with having the funding, put people in uniforms that look like the one I am wearing here this morning and serve our community.

Chief HORVATH. I would answer the question very similar. If you are going to magically double my budget, as you spoke of hypothetical, I am going to increase every unit I have. I have a full service police department with community policing, criminal investigations, a drug unit, a juvenile unit, a special enforcement unit, a K-9 unit. And I can honestly say I do not have any unit that has too many police officers in it. I have already stolen from the regular detectives to add to patrol because, as I said, they are the backbone of the department. You have to increase the size of that unit. Not only is crime up, but calls for service are up.

So the simple answer is I would increase every unit I have.

Senator BIDEN. Well, a last question on homeland security. I am fond of saying—and my colleagues are probably tired of hearing me saying is—that if anyone is going to catch a terrorist putting sarin gas into the Hotel Dupont or down in Dover at Dover Downs, at the large hotel or the casino down there, it is not likely to be a brave Special Forces soldier in night vision goggles who is there. It is going to be—and I mean this sincerely. Really, when you think about it, it is pretty basic. It is going to be one of your law enforce-

ment officers coming off a dinner break, going back checking the Dumpster behind the hotel. It is going to be someone in Wilmington walking down the street in a neighborhood that looks up and says, you know, those three apartments have been abandoned for the last 2 years. All of a sudden there is a lot of activity in there, and there are people we do not know. Maybe it is drugs. Maybe it is something else.

So I am always perplexed by how we so disconnect local law enforcement from homeland security, which leads me to this question: When there is an orange alert and you have to put more forces down at the port, Chief, you have to put more forces at Dover Air Force Base, or the State police have to put more forces on the bridges over the canal, et cetera, do you get reimbursed for that by the Federal Government?

Chief SZCZERBA. Yes.

Chief HORVATH. Yes, when it reaches a certain level, we do.

Senator BIDEN. What level does it have to reach?

Chief SZCZERBA. At the highest level, but it still draws on our resources. Even though we may get reimbursed, we have to put those officers out so we have a balance between overtime and utilizing officers pulled from other divisions. Just like Chief Horvath referred to he would like to increase the entire police department, well, that is when we fall behind. We will continue to serve in that manner, but, you know, September 10, 2001, we faced weapons of self-destruction in our communities here in the city of Wilmington. We still face that today as we sit here. And now we have the additional responsibility with our response to terrorism threats and weapons of mass destruction.

You know, we look at a local level. We are global-thinking people, but we look at a local level. And at the local level what is most to us is the weapons of self-destruction.

Senator BIDEN. Vince, you represent an awful lot of beat cops, both in your capacity as a detective, but also your capacity as the president of the Lodge. What kind of conversations do your guys have when they are in the locker room changing, when they are getting off the beat? Seriously, what are people talking about as it relates to law enforcement and their problems? If we had, you know, all the cops back there in uniform who are, you know, out there every day, and you are just sitting around having a Coke, having a beer, you know, you go to the local restaurant afterwards, what do you guys talk about as it relates to the problems you face?

Mr. DiSABATINO. Well, one of the main conversations that always comes up is, "Man, we ran our butt off." And it has been said here before that we are driven by complaints. I mean, that is what basically happens in your tour. You would love to be preventive where you can hit certain problem areas where you know the drug dealers are, where you know that the people are, you know, playing the loud music or, you know, other things like that. You would love to hit those places, but you cannot because once you clear a complaint, you are headed to another one. And then if somebody has a self-initiated complaint, they start a foot chase or a car chase, you are leaving that complaint and going to assist them. Then you have to go back to that, and that puts you behind even more because, depending on the seriousness of the crime, you may need

three, four units. Well, that is three or four units that are not answering the complaints that are called in.

And the phone does not stop. Some people call police for—sometimes it is things that are not police matters. But a majority of the time, it is because it is complaints about, you know, disorderly subjects on the corner, the drug dealing, the shots fired, the assaults, the stabbings and so forth. And it just ends up that in the course of a 9-hour tour, you have handled maybe 30, 40, 50 complaints sometimes. And when you get together, I mean, cops love telling stories, but the first thing that usually starts it off is when you talk about how overworked you were the night before or that day. You know, “Man, I wish they would get some more people so that it could ease up a little bit.”

Senator BIDEN. Beyond additional badges, as you know, the homeland security money prohibits the hiring of law enforcement officers. You get training. You get some equipment that is needed. I have a proposal. Actually, it is probably unfair to ask you to comment on it, but one of the things that worked in the crime bill when we wrote that bill was a colleague of ours was—I used to kid and call him—he is a good friend. I used to call him “Barbed Wire Gramm,” Phil Gramm of Texas, a former Senator.

When I was trying to get the crime bill passed, there were only seven Republicans who supported it at the time, one to my right. And we were having great difficulty, and Senator Gramm came up to me and said, “I will make you a deal.” He said, “I will vote for the crime bill if you agree you would write into the bill that it be funded by cuts in the size of the Federal Government.” And I said, “What do you mean by that?” He said, “Well, the number of employees that work for the Federal Government, that if they are cut, the money saved in cutting the number of employees, civilian, will go into the crime bill.” This is why he kids now and says I let him throw me in the briar patch.

But I said, “I will make a deal with you, if, in fact, we set up a trust fund.” He said, “What do you mean?” I said, “Well, we will not spend any more money in the crime bill unless we cut the number of Federal employees, but every one of their paychecks goes into”—not like the Social Security lockbox, an actual trust fund, like the Highway Trust Fund, like gas taxes. And he said, “Okay.”

During the last administration, we cut something like 290,000 employees around the Federal payroll, and all that money went into the trust fund. That is why we never had any fights about funding you all for the better part of 6 years.

Well, the trust fund is gone now, and so I am proposing a new trust fund, and that is that we call it the Homeland Security Trust Fund and that the Homeland Security Trust Fund do everything from reinstating the COPS grants by \$1.115 billion to rebuilding the tunnels and subways and inspecting cargo. It is a whole list of things, about 35 items. It takes the 9/11 Commission report, and it puts the major items they call for being funded. And it calls for essentially reinstating the \$2 billion that has been cut.

And so I just wanted to—and I will tell you how I pay for it, which will not make everybody happy. I have this silly notion, Mr. Chairman, that I think rich folks are just as patriotic as poor folks and just as patriotic as middle-class folks. And I think if we just

went out there and said the new tax cut for everybody making over \$1 million a year gets cut for 1 year, that is \$53 billion, 1 year; or take \$10 billion out of that \$53 billion going up to—it will actually get up to over \$100 billion for that one cadre of people over the next 5 years. Take \$10 billion a year, that would fund every single solitary COPS program and every single solitary homeland security program that has gotten a D or an F by the Homeland Security Department.

So I want to warn you all, that is what I am going to be coming back at. We are going to probably have to get some changes in order for that to get done, and if anybody has a different source of money to do that, I am open to it.

But I might add, Mr. Chairman, I raised this issue with what was advertised to me to be the 50 wealthiest real estate developers in America. I was asked to speak to a group of 50 developers by the National Real Estate Council, or whatever, down at the Canadian Embassy where they have that big amphitheater there. They can rent, I guess. And I went down and I told them what I wanted to do with their tax cut. And I asked, Does anybody disagree? Fifty. That is what was advertised. They told me that is what it was. And one person raised their hand and he said, “No, Senator, I would object to you taking a year of my tax cut above \$1 million, because I think you would just waste it.” And I said, “Well, how about if I put it in a trust fund?” And I said, “Anybody in here disagree?” And I got an ovation from 50, allegedly, wealthiest real estate developers in the Nation.

So I think there is a consensus here that there is a need to deal with homeland security, and you all are part of homeland security. So, guys, I am going to—it probably will take me another 8 years to get it done, but one of these days we are going to begin to change the priorities, I hope.

I have a lot of other questions, and I know we have kept you a while here. But, Mr. Chairman, with your permission, I would like to be able to submit some questions in writing. We will make a lot of work for you all, and I guess maybe—

Chairman SPECTER. That would be fine.

Senator BIDEN. And also, Mr. Chairman, I am not going to ask that it be placed in the record, but there is a report my staff has issued out of our Subcommittee—well, I have issued on the Judiciary Committee, and it is called “Abandoning the Front Line: The Federal Government’s Responsibility to Help Fight Crime in Our Communities,” dated September—

Chairman SPECTER. Senator Biden, I am going to have to excuse myself to take a call. Are you close to concluding?

Senator BIDEN. Yes, about just another few minutes.

Chairman SPECTER. Okay.

Senator BIDEN. Why don’t you go ahead, unless you have more questions as well.

Chairman SPECTER. Well, I am not sure how long the call will take. I will come back if Senator Biden is still commenting.

I want to thank Senator Biden for suggesting this hearing. I want to thank you men for coming forward. When Senator Biden says, “I have been at it for 35 years,” I was elected district attorney 40 years ago—1965, actually, and served before that as an assist-

ant D.A. And my view is that we ought to take the career criminals, three or more violent offenses—and Senator Biden referred to a bill that I wrote, the armed career criminal bill—and throw away the key. They account for 70 percent of violent crime.

But when we deal with first offenders, second offenders, and especially juvenile offenders—and I join Senator Biden in thanking the Boys and Girls Club—I think we have to focus on realistic rehabilitation, we have to focus on job training, literacy training. And I believe that the problem of violent crime can be cut by 50 percent following what Senator Biden has said and some of the formulas I have worked on.

We are hard at work on the military commission right now, and we are trying to find a way through on the Hamdan decision, which we have coming up. And if it were not for something that pressing, I would stay. And I will come back.

Thank you.

Senator BIDEN. [Presiding.] Thank you.

Gentlemen, are there any additional comments any of you would like to make? I know there is so much to talk about here in terms of need. I wanted to ask you, Vince, you said—or I forget. Actually, I do not know who said it. Retention of law enforcement officers and the difficulty of retaining and qualifications of new recruits, somebody mentioned that subject. Would anybody like to elaborate on that?

Mr. DISABATINO. Senator, for the Grand Lodge of the Fraternal Order of Police, I am on their membership, recruitment, and retention, and a problem that departments, I believe, throughout the State here and throughout the country are finding is that there are not a lot of people that want to be police officers anymore. I know that when I applied back—and it seems many, many years ago—in 1983, 1984, when I was hired we had maybe 1,500, 1,600 applicants for maybe 20, 25 positions. I believe our last class, if we are taking in 25, I believe we had 300 applicants. And I believe State police, county, and some of the other departments are maybe in the same boat where they do not have the large amount of people applying.

The other thing you have is the process to become a police officer is designed to cut away at that number, to weed out those that do not meet the standards. So you may start out with 300 applicants. You may only get 200 that truly show up for the testing. And the next thing you know they have to go through a background check, polygraph, drug testing, physicals, and so forth, so now you are looking at 200 people that applied, you may be down to 50, and you are looking to take maybe 20, 25 people.

The other problem you have is that in the city of Wilmington, we are not paid as well as some of the other agencies. We have guys that are leaving after they have put in maybe 3 years, 5 years. We even have guys that are leaving once they have 15 years. So the city of Wilmington, it seems like—and I can speak for the city of Wilmington because, you know, I am on the department and I have seen it. We always seem to be losing, you know, the good guys. And the guys that stay on, you know, and do not quit in their first year or two, become good police officers learning through experience. Well, now they are taking their trade and the knowledge they have

learned to other police departments, whether it be in the State or whether it be other States or to the Federal agencies that they have applied for and have gone to.

Senator BIDEN. Gentlemen, as chiefs, could you talk to me about quality and retention? Because my experience—I mean, I have spent an awful lot of time with you guys, as you know, over the years and I have probably attended or spoken at more academy graduations than most. I have done scores of them over 30-some years. One thing that impressed me has been the quality of the graduates. Almost every one is a college graduate. Almost every one—they seem fairly mature. But I think the retention piece is a real piece. Does it vary from department to department? Or is it pretty universal, the retention question?

Chief HORVATH. He hit right on the head as far as the applicants. We do get less applicants, and it seems like you get less qualified applicants, so it is harder to pick. But from being the chief in Dover, I do not have a retention problem, and I cannot sit here and tell you why I do not. But the last officer that left for another police department came back 3 months later, and I gladly hired him back.

So I can—that way, I am not complaining at all. I am getting qualified officers. It is tougher to find—you are weeding through the applicants more and more and you get less applicants. It seems like less people want to be police officers for some reason. But—

Senator BIDEN. I do not know. As my mother would say, no purgatory for all of you. I think it is one heck of a job. I mean, thank God you have guys and women like you all who want to do the job. But, I mean, I do not know many people who—you know, you have got to really be dedicated today to want to be a cop, it seems to me.

But is there any other point you would like to make? Jim, is there any particular—if I gave you one choice where I could reinstate funding now at the Federal level, where would it be? What do you need most? You only get one, let's say. You can fully fund any program that has been cut. Which one do you want?

Mr. KANE. Well, I would like the Justice Assistance grant program increase because the subsets of that allow us to fund across the board, a balanced approach. So if we increase the law enforcement capacity, we can look at the ripple effect, and I can work with the AG, the public defender, and courts and corrections to deal with the flow down the pike. Because what we learned about 8 years ago was that if we drastically increase the law enforcement piece, we back up all case processing, back up the prison cells, and without adequate treatment, we are sort of where we were before. So I like that. It gives the States flexibility to work across the board.

Senator BIDEN. And how much has that been cut?

Mr. KANE. About \$1.6 million.

Senator BIDEN. You know, we just passed the Adam Walsh Child Protection Act, which I was very proud to work on. But, you know, some of the stuff we are passing here gives you a little bit more money, but, you know, there is—the National Center for Missing and Exploited Children estimates that there are approximately 600,000 sex offenders nationwide, and 20 percent—600,000 that

have been through the system, and 20 percent of those, 12,000 of them are unaccounted for. You know, now we have passed a law requiring that they have to register before they leave prison now, as opposed to after they leave and they report, et cetera.

Can any of you talk about the impact on your workload of dealing with child offenders—you know, released child offenders and how hard it is to track or not track?

Mr. KANE. We have set up a task force. It is a huge issue. When sex offenders get out of prison, it is the job of the police to inform everyone in the neighborhood, the websites, the fact that if they go to another State. Some people think that we are responsible in Delaware if a sex offender flees and goes to Pennsylvania and commits an act.

We are looking hard at it. The Walsh Act, it puts a lot more burden on us to do the right thing. We had a problem in that if an inmate declared him- or herself homeless, there was no address given. So when they left the prison, we did not even know where they were going. So I think we have closed that loophole. But law enforcement is working hard to keep the public safe, and at the same time, we are working hard to try and keep up with the Federal requirements.

Senator BIDEN. What I personally need from you, since I have been so engaged in this, as you guys know, for 20 years in the first Biden crime bill that focused on this, I would really—I would ask you—and I guess I would look to you, Jim. I would really appreciate over the next 6 months if you all could give me an assessment of what resources are required to be diverted or what resources you would need in order to fully implement what I think is a pretty powerful act, because what I am trying to do, to be very blunt about it, around the country is build the database that would justify my going back to the Congress and saying, look, we need to provide this additional funding, if it is needed—maybe it is not—additional funding to allow local law enforcement around the country to implement this.

Which leads me to another question. Technical assistance grants were a pretty big deal in the Biden crime bill. This new crime bill that I have had that is not going anywhere, this term, anyway, which added another 50,000 cops, would provide money to allow you flexibility—flexibility to pay overtime, flexibility to use the money for technical assistance, flexibility as it relates to not necessarily having to hire a new shield if you chose not to do that, or to keep on a Biden cop that is already on that the city of State or county is not prepared to now make up the difference and keep that cop.

If we are able to get the Biden crime bill, the COPS bill reinstated—because essentially you are right, they have basically zeroed it out—what changes, if you could—and you may not—you may want to submit this for the record. What changes in the use of those funds would help you in terms of actually dealing with putting manpower in the street short of a new shield? Are there any changes you would like in the operation of the COPS portion of the crime bill that would give you more flexibility? And if you do not have an answer off the top of your head, if you think about

it, for the record let me know if there is any enhancement beyond the dollars to fund it that would be useful to you.

Chief HORVATH. One quick answer to that is to use that funding, if you are not going to put a shield on the department, is to use it for overtime for reallocating resources. Maybe you don't need an officer, but there are certain times of the year where you do need additional police presence, and if you could use that money for overtime, that would be great.

Senator BIDEN. Again, because of my interest in this, I could keep you guys here forever. But, Jim, did you have a comment?

Mr. KANE. One of the criticisms from the other side on this was that it was not crime-driven; in other words, you could take a small police department in Montana with three officers and virtually no crime, and if they had a good grant writer, they could write a grant and get 35 officers, that there is no way their tax base could pick up, and then there were giant crime sprees in that town. And when the police went away, the crime went away. So maybe a need-driven, where it is a community policing program but the town has to prove some need for it.

That was just the criticisms from the current administration on why a COPS program was—

Senator BIDEN. But there is absolutely zero basis for that.

Mr. KANE. Right.

Senator BIDEN. Not one shred of evidence to sustain what you have just asserted. Not one shred of evidence to sustain that. The irony is that when they announced the end of the COPS program, the Attorney General said, and I quote, "It has worked marvelously."

"It has worked marvelously, and I am announcing that I am ending it." I mean, I found that the most fascinating statement I have heard in my 33 years as a United States Senator.

One of the reasons why I would argue, gentlemen, that it worked is that the cops helped me write the bill, and the way it worked was that it was left up to the local officials to decide. Local officials are not going to take on two-thirds of the requirement of a copy if, in fact, they do not need it because it comes out of their tax base. That is why I eliminated the LEAA legislation, which just gave flat grants to do what you wanted.

The city, the town, the county, the State has to buy in, and that is why it worked. They bought in. And if they did not buy in—so I know of no—and, by the way, one of the things I would argue—and I would like your input. You know, a lot of small towns got one and two cops under the Biden crime bill, and one of the things I have observed, notwithstanding the debate in Dover about radar traps, one of the things I have observed is that, you know, they have real problems in these small towns with drugs. I have to take you—and, I mean, you all are local, but go to Dagsboro, to Selbyville, to Houston, with drugs and with violent crime, and as you guys get affected up here in Wilmington, it is like squeezing a balloon. Every time you guys would clamp down and we would get help from DEA coming in with the task forces with you, it just was like squeezing a balloon. I remember holding a hearing a couple years ago and making a point after I left the hearing in Seaford to take a reporter and drive literally three blocks from where the

hearing was, and we got to a corner and two junkies approached us to sell us drugs. This is not the Bucket. This is not Hilltop.

So if you have any amended statement any of you would like to make and anything that we have not picked up today, I would appreciate it, and we will put it in for the record.

Other of my colleagues are doing field hearings around the country because, folks, I do not know how we talk about dealing with our National security if our local security is not tenable. And, folks, it is not just here. Violent crime is up, you know, up 5.7 percent, I think the number is, in New Hampshire; it is up in South Carolina; it is up in Mississippi; it is up in Texas; it is up in Florida. So it is not a local phenomenon, and I find it hard to believe that people do not see the correlation between the cut of a couple billion dollars in local law enforcement money from the Federal Government and the rise in crime.

But does anyone have a closing comment you would like to make? I welcome it from any of you.

Mr. DiSABATINO. Senator, one thing that both of the chiefs mentioned—well, two things. One they did not mention was if you were to tell them that they had an extra \$4 to \$6 million that they could spend, you would have to first pick them up off the floor. They did not mention that part. But the thing was that they said that they would use the money for school officers and community policing mostly. And I think that is one of the things that the crime bill did, was it made the police officer more human to the young adults, to the elderly that there was someone there for them.

Unfortunately, some of these children are raised by the streets. Their idea of a policeman is the cop that had to beat up their brother, had to beat up their father, arrested their mother for drugs, came into their house and took people out. When they are in the school, they see them, you know, out of uniform. They see them in a different light, and they see that they are approachable and that they are just human beings. And I think that is one of the important things when we had the extra money and the extra police that we could do, was we could put them in the community so that they saw them all the time. We could put them in the schools so that they saw them all the time, and they saw that they were not these people that just constantly were there to hurt people or to lock them up, that you could go to them and talk to them about other problems. I think that is one of the big things the bill helped, was to show that side of the police officers.

Senator BIDEN. The reason I wrote the bill in the first place in 1988—and it did not get passed until 1994—was the overwhelming data from criminologists that there is an absolute direct correlation between the willingness of someone in the community—a child or a senior and anyone in between—to cooperate with a local law enforcement officer based on two things: one, they trust them; but, two, that they would be there. It is one thing to turn in the drug dealer on your corner knowing that 3 weeks later or 3 months or a year later, when he is out, he comes back and knows where you live. And there may be no cop there this time. The only thing that I have observed in all my years of doing this and the thousands of hours of hearings I have held on law enforcement issues, the only thing we know for sure about criminals, as they get older,

they commit fewer crimes because it is harder to run and jump the chain-link fence when they are being chased, to overstate it. The second thing is there is a four-corner intersection and three cops on three corners and not on the other and crime is going to be committed at that intersection, it will be committed on the corner where there is not a cop. That is about all we know for absolute certainty.

That was the entire thrust and rationale of my crime bill. And I would argue it worked because you guys made it work. And so I don't know how we do this unless we get you more resources, but I thank you for your—and I mean this sincerely. I thank you for your commitment to duty. I thank you for your commitment to the people. And in a sense, it is almost surprising to me more law enforcement officers are not leaving. It is one tough job. And if you look over the horizon with the funding streams diminishing, not increasing, it does not surprise me. I am not saying that is the reason why people are not staying, but from my perspective there is a correlation between knowing you got someone standing next to you that is going to help you, knowing you can do something, you can actually walk away after you finish the day and say I did not just put out fires, I actually changed something, I actually made an impact, I actually began to change this neighborhood. And I do not think you can do that without the resources.

But, again, I want to thank Senator Specter, who is in the process of working out—the reason he had to take the phone call, he told me before he started, is we are trying to figure out how to deal with what you have read a great deal about, the treatment of detainees as well as the Hamdan case, the Supreme Court decision, and that falls within the jurisdiction of this Committee. And he has been a major player in trying to negotiate that, and there has not been much he and I have disagreed on over the last however many years we have worked together. So I am happy—if I cannot be Chairman, I am happy he is.

[Laughter.]

Senator BIDEN. Because it is a very difficult job he has right now.

Without any further testimony, I thank you all. I thank particularly the elected officials for being here because you have got to figure out the funding that is being diminished federally, where you make it up, if you make it up. It is not easy. And the hearing is adjourned.

[Whereupon, at 12:02 p.m., the Committee was adjourned.]

[Submissions for the record follow.]

SUBMISSIONS FOR THE RECORD

Statement of Vincent J. DiSabatino
Judiciary Committee Field Hearing
Fighting Crime: The Challenges Facing Local Law Enforcement
and the Federal Role
Wilmington, DE

CHAIRMAN SPECTER AND SENATOR BIDEN, I WOULD LIKE TO THANK YOU FOR THE OPPORTUNITY TO TESTIFY ABOUT THE CHALLENGES THAT LOCAL LAW ENFORCEMENT PROFESSIONALS FACE ON A DAY TO DAY BASIS.

THE LOCAL PATROL OFFICER FACES MANY CHALLENGES. AND, I'M HERE TO DISCUSS THE DIFFICULTIES ENCOUNTERED BY LOCAL OFFICERS – FROM THE OFFICER WORKING THE BEAT TO THE PROBATION AND PAROLE OFFICER WHO HAS TO DEAL WITH THE CRIMINAL ELEMENT ONCE THEY ARE RELEASED BACK INTO SOCIETY.

IT SEEMS THAT EVERYDAY WE ARE REMINDED OF THE IRAQ WAR AND THE UNFORTUNATE CASUALTIES THERE. WE HEAR ABOUT THE KILLING OF INNOCENT WOMEN AND CHILDREN AND THE NEVER ENDING CHALLENGES FACING THE IRAQI PEOPLE. WE ARE TOLD WE NEED TO SEND MORE TROOPS, MONEY AND SUPPLIES TO FREE THE PEOPLE OF THAT COUNTRY FROM FEAR AND TERROR.

I BELIEVE THAT WE HAVE FORGOTTEN THE STRUGGLES AGAINST CRIME HERE AT HOME. CRIMINALS HAVE TERRORIZED AMERICANS IN COMMUNITIES THROUGHOUT THE NATION MAKING THEM AFRAID TO GO OUT INTO THEIR OWN NEIGHBORHOODS AND ENJOY SOME OF THE SAME FREEDOMS THAT WE ARE TRYING TO BRING TO THE PEOPLE OF IRAQ. THESE NEIGHBORHOOD TERRORISTS CONTROL AND LOCK DOWN WHOLE CITY BLOCKS, MAKING CITIZENS AFRAID TO GO OUT OUTSIDE, PREVENTING CHILDREN FROM PLAYING IN THEIR FRONT YARDS OR NEIGHBORHOOD PARKS. THESE GANGSTERS HARASS AND KILL INNOCENT PEOPLE WITH THEIR DRUG TRADE AND ILLEGAL WEAPONS. QUITE SIMPLY, THEY HOLD NEIGHBORHOODS AND CITIES HOSTAGE.

THESE CRIMINALS ARE NOT DUMMIES. EVERYDAY THEY BECOME SMARTER. THEY BUY THE LATEST TECHNICAL EQUIPMENT SO THAT THEY CAN CONCEAL THEIR WEAPONS, THEIR CONTRABAND, AND THEIR MONEY FROM THE LAW. THEIR ONLY GOAL IS TO MAKE MORE MONEY. AND, THE LORE OF MAKING MORE MONEY BRINGS THEM NEW RECRUITS EAGER TO LEARN THE BUSINESS AND WORK

THEIR WAY TO THE TOP "BY ANY MEANS NECESSARY."

IN MY VIEW, THE LAW ENFORCEMENT COMMUNITY IS BEHIND THE EIGHT BALL. WE FIND OUR LOCAL GOVERNMENTS DO NOT HAVE THE RESOURCES, MONEY, PERSONNEL OR EQUIPMENT NEEDED TO TURN THE WAR ON DRUGS AROUND IN OUR FAVOR. IT IS CRITICAL THAT OUR LOCAL GOVERNMENT RECEIVES THE FEDERAL ASSISTANCE TO HELP POLICE DEPARTMENTS PROTECT THEIR NEIGHBORHOODS.

THE PRIMARY ISSUE IN MANPOWER – THE ABILITY TO PUT MORE POLICE ON THE STREET IS CRITICAL. ONE PROBLEM IS FUNDING, BUT ANOTHER IS THAT WE ARE SHORT OF QUALIFIED APPLICANTS. WE NEED TO DO MUCH MORE TO RECRUIT QUALIFIED CANDIDATES TO A CAREER IN LAW ENFORCEMENT.

ONE PROBLEM WE SEE IS THAT DEPARTMENTS LOSE PERSONNEL FASTER THAN THEY CAN AFFORD TO REPLACE THEM. WE ALSO SEE THAT DEPARTMENTS TRY AND FILL THE MANPOWER VOID BY POSTING OVERTIME, MAKING THE ALREADY OVERWORKED POLICE OFFICER EVEN MORE OVERWORKED. THIS ELIMINATES PREVENTIVE PATROLLING AND COMMUNITY POLICING. THE BEAT COP WORKING ON OUR CITY'S STREETS, HAS BECOME A MEMORY.

AND, THIS IS CRITICAL. IT IS ESSENTIAL THAT PEOPLE SEE THE SAME OFFICER IN THEIR NEIGHBORHOOD DAY IN AND DAY OUT. IT IS CRITICAL TO HAVE AN OFFICER THAT KNOWS THE TROUBLE SPOTS AND THE TROUBLEMAKERS. JUST AS IMPORTANT, COMMUNITY POLICING ALLOWS COMMUNITY TO KNOW THE OFFICER – TO TRUST THAT OFFICER, WHICH WILL ULTIMATELY HELP SOLVE CASES BECAUSE WITH THIS TRUST THEY WILL CALL IN INFORMATION THAT MAY HELP SOLVE A CASE. THIS IS A VITAL LINK TO SUCCESSFULLY FIGHTING CRIME.

I CAN TELL YOU NO OFFICER WANTS TO SEE BARS ON WINDOWS AND DOORS, AN EMPTY PARK, OR PARENTS FORCE TO RUN INTO THEIR HOME WITH THEIR CHILDREN SO THAT THEY DO NOT BECOME A SHOOTING VICTIM. UNFORTUNATELY, THESE ARE COMMON SIGHTS IN THE HILLTOP AREA, THE BUCKET, AND THE VALLEY.

THE JOB OF BEING A POLICE OFFICER HAS GOTTEN TOUGHER OVER MY CAREER, AND I AM CERTAIN THESE CHALLENGES WILL ESCALATE OVER TIME. WE CAN ONLY HOPE THAT PROGRAMS THAT HAVE HELPED STATES, COUNTIES AND MUNICIPALITIES THROUGHOUT THE COUNTRY IN THE PAST CAN BE STARTED UP AGAIN. I HOPE YOU CAN HEAR THE LOCAL GOVERNMENTS ASKING

FOR MORE TROOPS AND THE MUCH NEEDED SUPPLIES TO FIGHT
THIS DOMESTIC WAR THAT HAS BEEN GOING ON TOO LONG ON
AMERICAN SOIL.

Statement of Chief Jeffrey Horvath
Judiciary Committee Field Hearing
Fighting Crime: The Challenges Facing Local Law Enforcement
and the Federal Role
Wilmington, DE

September 22, 2006

Chairman Spector, Senator Biden thank you for giving me the opportunity to speak here today. I consider this an honor and a privilege. I am Jeffrey Horvath the Chief of Police of the City of Dover Police Department. I also serve on the Board of Directors of the Delaware Police Chiefs Council, I am the Vice Chairman of the Delaware Police Chiefs Foundation and I serve as the Delaware Chiefs' Representative to the State Association of Chiefs of Police (SACOP), which is a division of the International Association of Chiefs of Police (IACP). I only mention all of this because I'd like to think that I'm not just representing the ninety one sworn men and women of the Dover Police Department but that I'm also representing the Delaware Police Chiefs Council and the smaller departments of Kent and Sussex Counties.

I'd like to begin by talking about Dover. As I stated we have an authorized strength of ninety one sworn officers which makes Dover PD the fourth largest department in the state of Delaware. Our jurisdiction consists of the 29 square miles that make up the State's Capital. Although we face many challenges, I can state with absolute certainty that illegal drugs and the related crimes that surround them are our greatest challenge. My officers have heard me state time and time again that I believe at least eighty percent of all crime in Dover is either directly or indirectly related to the use and sale of illegal drugs, especially Crack Cocaine. An overwhelming majority of our shootings are drug related. The criminal who robs the innocent victim at the ATM is not using that money to buy food or clothes for their children. They are purchasing illegal drugs to feed their drug habit. I could go on and on with other examples. With that said, there are also three colleges, a university, Dover Downs International Speedway and the Dover Air Force Base in the city limits of Dover which add to our responsibilities and challenges.

When I was promoted to Chief in 2001, we had 81 sworn police officers. We have been able to increase our authorized strength by ten officers over the past five years. Six of the ten new officers are a direct result of my department securing federal grants through the COPS Program. Without those funds we would not be as effective as we are today. Since adding officers to the force I have increased the size of the Drugs, Vice, and Organized Crime Unit and as a result we have been able to increase our pro-active drug arrests every year for the past five years. We now have two School Resource Officers assigned to the Capital School District. We were one of the last districts to obtain School Resource Officers and quite frankly it was long over due. Without the COPS Program we would not have had the manpower to place officers in Dover High School and Central Middle School. These officers have made an immediate impact and are providing a much safer environment for our children to learn. These officers have arrested drug dealers and

had them removed from school. They have confiscated dangerous weapons and they have prevented acts of violence in the hallways and on the play ground. We have also added officers to our patrol force which, as you know, is the backbone to every police department.

I have also been fortunate enough to have a City Council that recently agreed to add four officers to the department to form what we call a Quality of Life Task Force. Quite simply, this four man unit targets the less serious and often overlooked crimes and violations that are occurring every day in our communities. Some of the crimes include loud parties, loud music, public intoxication, and loitering, just to name a few. Crimes like these are often not a priority of other police officers who simply do not have the time to deal with them due to the increased number of calls for service that all departments in Delaware are dealing with. The goal of this unit is to increase the quality of life throughout the city. These four officers have come across many more serious violations involving drugs and weapons while investigating seemingly minor incidents.

I would have preferred to use a COPS Grant to add the four officers to form the Quality of Life Task Force but the funding just isn't there anymore. I am fortunate to have a City Council that agreed we needed the additional officers. We were able to use funds generated from state's red light camera enforcement program to pay the cost of the additional officers. Most Chiefs can't report the same success in obtaining additional officers that I just shared with you. In fact, at my last SACOP meeting in March of this year several chiefs, were actually talking about having to reduce their number of police officers to meet budget cuts. Many other chiefs were complaining about the lack of federal funding which was preventing them from adding valuable and needed officers to their departments. Instead of securing federal grants to add officers to our streets, departments are forced to do more with the same number of officers. In some cases we are doing more with less.

Where has all the federal funding gone? In the proposed President's Federal budget the JAG Program, which was formed two years ago when they combined the Byrne Grant Program and the Local Law Enforcement Block Grant program, has been completely eliminated. The proposed budget also greatly reduces the COPS Program from 478.3 million in FY 2006 to just 102 million for FY 2007. The interesting part of that proposed reduction is that 100 million of the 102 million is actually carry over funds from previous budgets. This means the administration is only proposing 2 million in new funding for the COPS Office.

Some will argue, however, that additional funding has been proposed for the Department of Homeland Security. While I fully support and agree that we need more funding for Homeland Security, I think it's important that we don't "rob Peter to pay Paul". Homeland Security is extremely important but it is no more important than maintaining the core capabilities of local law enforcement so they are able to meet the day to day challenges of protecting our communities from traditional acts of crime and violence. At a recent meeting of the IACP during a presentation explaining funding cuts to law enforcement in order to increase funding for Homeland Security one chief commented that his jurisdiction had experienced fourteen homicides to date this year and, to the best of his knowledge, Osama Bin Laden was not a suspect in any of them.

Through the Department of Homeland Security each police department in Delaware has received protective gear, numerous items of necessary equipment and valuable training. While our protective gear sits in our trunks and gets closer to reaching an expiration date as each day passes, none of the Department of Homeland Security funds can be used to hire more police officers and we can no longer afford to add officers to our departments.

Hometown Security is Homeland Security. Local law enforcement has demonstrated this on numerous occasions. The arrests of Timothy McVeigh and Eric Rudolph by local police officers are examples of the critical role that local law enforcement officers play in homeland security. Homeland Security should include ensuring that state and local law enforcement agencies continue to place officers out in the communities, interacting with citizens and investigating suspicious behavior.

In closing I would just like to say that Federal Grant Funds have been extremely important to local law enforcement agencies in Delaware and across the Country. The Dover Police Department has received over 1.2 million in Federal Grants over the past ten years. Former Chief of Police and Former Mayor James Hutchinson also used Federal Grants to add numerous police officers to our department in previous years. By properly funding the Community Oriented Policing and the Edward Byrne Memorial Justice Assistance Grant Programs we will be able to ensure that law enforcement agencies are able to meet the day to day challenges of protecting their communities and we will ensure that state and local law enforcement officers are able to be key partners in our nation's homeland security efforts.

**Cheri Nolan
Senior Policy Advisor
Criminal and Juvenile Justice Issues
Substance Abuse and Mental Health Services Administration**

Cheri Nolan has a long and distinguished career in the Federal Government focusing on criminal justice and related fields. She assumed her current responsibilities as Senior Policy Advisor to the Administrator of SAMHSA in September of 2005. Immediately preceding her appointment, since 2001 she served as Deputy Assistant Attorney General, Office of Justice Programs, for Attorneys General John Ashcroft and Alberto Gonzales.

Cheri's career path has made her extremely well qualified for her responsibilities at SAMHSA which include management and oversight of all criminal, juvenile and faith-based issues that confront the Agency. From her position at the Department of Justice she led an unprecedented federal partnership that resulted in the development and implementation of the Serious and Violent Offender Reentry Initiative and ground breaking work on the White House Conference on Disadvantaged Youth and the Synthetic Drugs Task Force among her many other responsibilities.

Prior to her appointment at the Department of Justice, Cheri was affiliated with the television show *America's Most Wanted*. As executive assistant to John Walsh, the program's host, she continued the work she had begun in her previous assignment at the Department of Justice, working with State and local law enforcement, elected officials, and crime victims. Ms. Nolan's extensive work in the justice field was preceded by distinguished service on the White House staff of President Ronald Reagan and in various Cabinet agencies, including the Departments of Commerce, Energy, and the Treasury.