

TESTIMONY OF ATTORNEY GENERAL ANNE MILGRAM
JOINT MEETING OF THE ASSEMBLY JUDICIARY AND LAW & PUBLIC SAFETY
COMMITTEES
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Good morning Chairwoman Greenstein, Chairman Johnson and members of the Joint Committee:

Thank you for inviting me to appear at this joint committee meeting to discuss the impact of the American Recovery and Reinvestment Act of 2009 on the criminal justice system in New Jersey. The Recovery Act provides critically-needed resources for law enforcement and related service providers that will allow us to initiate and support creative and innovative crime prevention, law enforcement and re-entry programs and initiatives.

I can tell you, both as a cabinet member who has to deal with difficult departmental budgetary issues and as a Chief Law Enforcement Officer who has to struggle with equally challenging public safety issues, that these resources could not come at a better time.

As you know, President Obama signed the Recovery Act into law in mid-February. With amazing speed, the federal government agencies charged with administering various portions of the Recovery Act funds have undertaken the preliminary steps necessary to getting these funds on the ground as quickly as possible, to serve the purposes for which they are intended.

Under the leadership of Governor Corzine, State departments and agencies are fully engaged in the planning process of assessing needs, identifying programs, calculating resources and implementing or readying processes to utilize the Recovery Act funds as expeditiously, efficiently and effectively as possible.

My remarks before this Joint Committee will provide a broader perspective on the various grants and other programmatic funding available for criminal justice related purposes under the Recovery Act; we have provided each of you with folders containing the most up-to-date information currently available on these programs – descriptions, eligibility criteria, application procedures and the like – for you and your staffs to review and share with interested constituents, local government representatives, service providers and other stakeholders.

While the bulk of Recovery Act funding is addressed to more traditional stimulus uses, like job creation and infrastructure projects, the Recovery Act provides a significant amount of funding for state and local law enforcement activities.

The numbers are quite impressive: a total of approximately \$4 billion dollars to be spent on a variety of critical criminal justice system programs, for purposes ranging from keeping more cops on the street, to supporting drug and gang task forces, to protect women from domestic violence, to keeping our kids safe on the Internet, to dealing with the problems of drug trafficking, abuse

and recovery, to helping victims, to enhancing law enforcement technology – the potential for these funds to enhance public safety is phenomenal.

Before I go into specifics, I think it's important to understand that these criminal justice related programs serve the purposes of the economic stimulus package both directly and indirectly.

Not only can we use these funds to directly stimulate the economy by creating and retaining jobs in law enforcement and by supporting new and existing programs and services, by taking advantage of the opportunities provided by these funds we can make the State a safer place to live and improve the overall quality of life for all New Jersey residents.

These funds will allow local governments to hire new police officers and retain experienced officers who were facing layoffs due to budget constraints, or endow private service providers and non-profit programs – some of which in these difficult financial times desperately need additional resources just to keep their doors open – with grant funding that will allow them to continue to provide critical services to serve victims and their families, rehabilitated offenders, and our communities.

Ultimately, these funds will be used to help people feel safer and more secure in communities throughout New Jersey. They will be used to help fight gangs, violence, drug traffickers, predators and abusers, and foster crime prevention efforts. When ordinary people do not feel safe on the streets, they may be reluctant to go out to dinner, or to the movies, or shopping, or do other normal, everyday things. To the extent we can use Recovery Act money to make our streets and neighborhoods safer, we will also be promoting spending and economic growth.

The Recovery Act provides about \$4 billion dollars in funding related to the criminal justice system. Specifically, there is \$2 billion dollars for Byrne Justice Assistance Grants (Byrne JAG), another \$1 billion for Community Oriented Policing Services (COPS) grants, \$225 million for grants to prevent violence against women, \$225 million for competitive criminal justice grants, \$125 million for rural law enforcement assistance, \$100 million for assistance to victims of crime, and \$50 million for Internet Crimes Against Children (ICAC) initiatives. I will cover each of these programs in turn.

(1) Byrne JAG formula grants - \$2 billion

New Jersey will receive nearly \$48 million in State and local Byrne JAG grants under the Recovery Act. The State allocation is approximately \$30 million, while the allocations to county and local governments total almost \$18 million. A full listing of the counties and municipalities receiving Byrne JAG funds from the Recovery Act and the amounts they will receive is included in the folder materials we provided to the committee.

Generally, Byrne JAG funds are used by states and local governments to support criminal justice activities based on local needs and priorities. JAG funds are allocated by formula based on

population and crime statistics, in combination with a minimum allocation to ensure that each state and territory receives an appropriate share.

Under JAG, funds are distributed 60/40 between state and local recipients. JAG funds can be used to support state and local criminal justice initiatives, for technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice in any one or a combination of the following purpose areas: law enforcement programs; prosecution and court programs; prevention and education programs; corrections and community corrections programs; drug treatment and enforcement programs; planning, evaluation and technology improvement programs; and crime victim and witness programs (other than compensation).

The Division of Criminal Justice is the State Administrative Agency responsible for administering our State allocation, and the projects funded by this money will be prioritized by my Office. This means that we will be developing, reviewing and assessing programs to put these funds to best use, and in doing so we will be guided by the policies and strategies underlying the Governor's Plan for Safer Streets and Neighborhoods. Local governments and public and private entities may propose projects for consideration, in accordance with existing processes for Byrne JAG state funds.

(2) Byrne competitive grants - \$225 million

Byrne competitive grants are similar to JAG grants and are focused on ensuring job growth and job retention. However, instead of providing grants based on a formula, the Bureau of Justice Assistance administers these funds based on a competitive application process – meaning that any State or local government agency or private service provider can apply directly to the federal government for this funding.

These grants can be used to help the State and local communities improve the capacity of local justice systems, and may be used for purposes such as training and technical assistance.

Applicants may be national, regional, state, or local public and private entities, including commercial for-profit and non-profit entities, faith-based and community organizations, institutions of higher education, tribal jurisdictions, and units of local government that support the functioning of the criminal justice system.

The federal government awards these grants directly to applicants, and the State is not involved in the administration process. The Bureau of Justice Assistance has indicated that information will be available soon about how to apply for these Byrne competitive grants.

(3) COPS grants - \$1 billion

The Recovery Act directs \$1 billion in funding to the COPS Hiring Recovery Program (CHRP), which is a competitive grant program that provides funding directly to law enforcement agencies

having primary law enforcement authority, to create and preserve jobs and to increase community policing capacity and crime-prevention efforts. This funding is distributed pursuant to the existing COPS program.

The COPS program enables state and local law enforcement agencies to hire and train community policing professionals, acquire and deploy equipment and technology, and develop and apply innovative policing strategies to enable law enforcement to build and strengthen their community policing infrastructure.

Since its inception, the COPS program has added nearly 5,000 police officers and sheriffs to New Jersey's streets.

The CHRP grants will provide 100% funding for approved entry-level salaries and benefits for 36 months for newly-hired full-time sworn officers (including filling existing unfunded vacancies), for rehired officers who have been laid off, or for officers who are scheduled to be laid off as a result of local budget cuts.

There is no local match requirement for this program, but grant funding will be based on current entry-level salary and benefits packages, and the hiring agency will be responsible for any additional costs of higher salaries or benefits.

At the conclusion of the funding under the Recovery Act, grant recipients must retain all sworn officer positions awarded under the grant, and these retained positions would need to be added to the grantee's law enforcement budget over and above the number of locally-funded positions that would have existed in the absence of the grant.

Finally, another consideration for local budget managers is that, for all funds for COPS for FY 2009 and FY 2010, the Recovery Act waives the \$75,000 per officer cap and 25 percent local match requirement that would otherwise apply.

Funding under this grant program will be available for local governments to apply for until September 30, 2010.

(4) Violence Against Women (VAWA) - \$225 million

These domestic violence program funds go to each state's "STOP" program, which stands for "Services - Training - Officers - Prosecutors." STOP is a formula grant program under the Violence Against Women Act, designed to promote a coordinated, multidisciplinary approach to improving the criminal justice system's response to violent crimes against women, and promote effective law enforcement, prosecution, and judicial strategies to address domestic violence, dating violence, sexual assault, and stalking.

These funds may be used to provide personnel, training, technical assistance, data collection and equipment for the apprehension, prosecution and adjudication of persons committing violent

crimes against women. There is a requirement that the federal share of qualifying projects cannot exceed 75 percent of the cost.

New Jersey share's of this funding is \$3.6 million, which like other federal VAWA funds will be prioritized by my Office (as the State Administering Agency), and distributed in accordance with the same application procedures and eligibility criteria that currently exist for the STOP program.

The Recovery Act also allocates \$50 million to transitional housing assistance grants for victims of domestic violence, stalking, or sexual assault. The Transitional Housing Assistance Program is a federally-administered program that provides victim-centered transitional housing services and related support services that move individuals into permanent housing. Eligible applicants include States, units of local government, Indian tribes, and other organizations with a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking.

Additionally, although it does not fall under the umbrella of my department, I can also tell you that the Recovery Act provides an additional \$8.75 million for State Sexual Assault and Domestic Violence Coalitions to support the coordination of state victim services activities, including collaboration and coordination with federal, state, and local entities.

State Sexual Assault Coalitions and State Domestic Violence Coalitions will receive up to \$78,125 each, and dual Sexual Assault/Domestic Violence Coalitions will receive up to \$156,250. Eligible applicants are HHS-designated State coalitions.

(5) Rural law enforcement assistance - \$125 million

The Recovery Act provides additional funds for assistance to law enforcement in rural states and rural areas to prevent and combat crime in rural America. These funds are distributed to states under the formula set forth in federal law (42 U.S.C. § 3796bb), and can be used to hire police officers and for community drug prevention and treatment programs.

(6) Victims of Crime Assistance (VOCA) - \$100 million

The Recovery Act provides a total of \$100 million for victim assistance under the Recovery Act, of which \$47.5 million is designated for VOCA compensation grants, another \$47.5 million is designated for VOCA assistance grants, and an additional \$5 million will be directed to discretionary grant projects through awards made under the National Field-Generated Training, Technical Assistance, and Demonstration Projects (NFG) competitive grant solicitation.

Generally, New Jersey uses VOCA funds to pay for numerous victim services, including sexual assault response teams, victim notification programs, victim witness offices in the county prosecutors' offices, and counseling, shelter and other support services provided by nonprofits entities.

Under the federal VOCA funding formula, New Jersey will be allocated approximately \$1.4 million in victim compensation and slightly over \$1 million in victim assistance funding. As the designated State Administering Agency, the Department of Law and Public Safety will be applying to the federal Office for Victims of Crime for these funds, and disseminating them to recipient agencies.

The Victim Compensation Formula Grant Program supports the provision of crucial financial assistance to victims of crime. Once New Jersey receives its allocation under this program, the funds will be directed to the Victims of Crime Compensation Office (VCCO), and disseminated to victims of crime and their families to compensate them in accordance with existing statutory law.

The Victim Assistance Grant Program provides funding to each state in support of services to victims of violent crimes. The State Office of Victim Witness Advocacy in the Division of Criminal Justice administers this program in New Jersey. VOCA subgrants are awarded to the twenty-one County Prosecutors' Offices, and to government agencies and non-profit organizations which provide direct services to victims of crime.

Direct services include efforts that: (1) respond to the emotional and physical needs of crime victims; (2) assist primary and secondary victims of crime to stabilize their lives after a victimization; (3) help victims understand and participate in the criminal justice system; and (4) provide victims with a measure of safety and security.

Funds are used to ensure that crime victims are treated with fairness, compassion and respect by the criminal justice system to prevent secondary victimization by the system. Again, the Recovery Act will provide a much-needed \$1 million to supplement our resources in this area.

(7) Internet Crimes Against Children (ICAC) - \$50 million

ICAC initiatives help State and local law enforcement agencies develop effective strategies to deal with Internet luring and child pornography cases. New Jersey has an ICAC task force, consisting of State, county and local law enforcement agencies, and this group of law enforcement professionals works together to investigate crimes against children committed via the Internet, and also shares their expertise with other agencies, providing training, technical assistance and community education.

The ICAC funding is administered by the federal Office of Juvenile Justice and Delinquency Prevention, and eligible applicants are limited to only those State and local law enforcement and prosecutorial agencies that are currently receiving funds under the ICAC task force program. Because we currently maintain an ICAC task force, New Jersey is eligible for the additional Recovery Act funding, which we will of course be applying for, in accordance with the applicable federal formula.

That covers the criminal justice system funding under the Recovery Act. As I said, this is an exciting opportunity to address many law enforcement and community needs.

But while this may seem like a lot of money, it should be understood that there is truly a lot to be done. No matter what the funding level is, the challenge is always to think and act creatively, efficiently, intelligently and effectively, so that whatever funds we receive are put to optimal use.

I thank you for your attention, and I would be happy to take a few questions.

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