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Executive Director

April 13, 2007

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Via Facsimile

The Honorable Nancy Pelosi
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Washington, D.C. 20515

The Honorable John Boehner
Minority Leader
U.S. House of Representatives
H-204, The Capitol
Washington, D.C. 20515

The Honorable Harry Reid
Majority Leader
United States Senate
Washington, D.C. 20510
United States Senate

The Honorable Mitch McConnell
Minority Leader
United States Senate
Washington, D.C. 20510
United States Senate

We, the undersigned Attorneys General, write to express our grave concern over the proposed reductions in spending on state and local law enforcement assistance programs as found in the Administration's FY 2008 budget request for the U.S. Department of Justice. We are also alarmed at the Administration's renewed effort to eliminate the balances in the Victim's of Crime Act Fund (VOCA Fund). These proposals, if enacted, will devastate state law enforcement efforts, especially as related to drug crime, as well as hamper efforts to provide services to the innocent victims of crime.

State and Local Law Enforcement Assistance

Since FY 2002, funding for justice assistance programs in the Department of Justice has fallen dramatically from \$2.2 billion to \$800 million – a cut of more than 63%. While reductions in crime and drug use rates over the past 10 years have been significant, some reports suggest that the majority of the reductions occurred when state and local law enforcement assistance accounts were funded at much higher levels than the current expenditures. Indeed, as the funding for state and local assistance has been reduced, the crime rate has leveled off and, recently, begun to increase. Although it may

well be impossible to draw a causal link between robust funding for justice assistance programs and reduced crime rates, the correlation is very significant.

The Byrne Justice Assistance Grant Program (JAG) provides funds to assist state and local law enforcement in combating crime and violence in their respective communities. In particular, JAG programs help state and local communities form multi-jurisdictional task forces to combat issues related to drug and firearm trafficking, gangs and other organized criminal groups and the diversion of prescription drugs. According to national survey data compiled by the Iowa Governor's Office of Drug Control Policy, task forces funded in part by Byrne JAG in FY 2004 were responsible for:

- 17,991 kilograms of cocaine seized
- 5,452 kilograms of methamphetamine seized
- 1,177 kilograms of heroin seized
- 855,309 pounds of processed marijuana seized (not including plants)
- 8,982 methamphetamine lab responses

In addition, according to data compiled by the National Criminal Justice Association for the 2004 grant year, task forces funded in part by Byrne JAG were responsible for 54,050 weapons seized and \$250 million in seized cash and personal property (does not include the value of narcotics seized).

These law enforcement cuts could not have come at a worse time for the states and territories. Significant budget problems still face state and/or territorial legislatures. At the same time, the states and territories continue to reel from the explosion in heroin, prescription narcotic, and methamphetamine abuse. The proposed reductions to the state and local law enforcement assistance programs administered by the Department of Justice will, if enacted, significantly reduce the ability of state and local law enforcement agencies to protect communities across the nation.

We support funding for the Byrne Justice Assistance Grants (JAG) program in the FY 2008 Budget Resolution at the authorized level of \$1.1 billion, which is the amount called for in the Department of Justice Appropriations Authorization Act, Fiscal Years 2006-2009 (P.L. 109-162). Many state and local law enforcement agencies have been able to expand their capabilities to protect their communities as a direct result of the resources provided by this federal funding.

VOCA Fund

The VOCA Fund was created as part of the Victims of Crime Act of 1984 (VOCA) and is funded entirely through collections from federal criminal fines, forfeitures and special assessments. These *offender-generated* revenues, with no additional amounts provided by taxpayers, are used to support approximately 4,400 local programs to provide counseling, shelter, support and advocacy to nearly 4 million victims of domestic violence, sexual assault, child abuse, drunk driving, elder abuse and robberies, as well as families of homicide victims and other victims of crime.

In 2005, Attorneys General from all fifty states, the District of Columbia, American Samoa, Puerto Rico and the Northern Mariana Islands wrote Congress to express their concern about the proposed rescission to the VOCA Fund contained in the Administration's proposed FY 2006 budget. In 2006, Attorneys General from all fifty states and the District of Columbia and the Northern Mariana Islands again wrote to Congress to express their concern about the FY 2007 budget proposal; not only about cuts to the Byrne JAG and COPS programs, but also the renewed attempt to rescind the balances in the VOCA Fund. Fortunately, through the leadership of Congress, the VOCA Fund was preserved.

Regrettably, the Administration again seeks to deplete the VOCA Fund in its FY 2008 budget proposal, this time by a new mechanism of eliminating the Fund and having general fund appropriations for victims' services be offset by the revenue generated by the criminal fines and penalties that currently finance the VOCA Fund. We write again to urge you to reject the elimination of over \$1.3 billion dollars from the VOCA Fund.

Movement of these *offender-generated* revenues from the VOCA Fund undermines the effectiveness of the criminal justice system and imposes an insurmountable burden on victims by removing their primary means of overcoming the crimes committed against them. The Administration's request of moving to a system of setting an annual appropriation from the General Fund to be offset by the amount collected through criminal fines would eliminate the dedicated funding stream that has enabled steady support for crime victim services and would have a devastating impact on our ability to support victims of crime. States use this funding stream for both crime victim compensation programs, which pay many of the out-of-pocket expenses incurred by victims, and victim assistance programs such as rape crisis centers, domestic violence shelters, victim assistants in law enforcement and prosecutor offices, and other direct services to victims of all types of crime.

The approach advocated by the Administration's budget request is wholly inconsistent with the precise language of the statute which states that **A...** all sums deposited in the Fund in any fiscal year that are not made available for obligation by Congress in the subsequent fiscal year shall remain in the Fund for obligation in future fiscal years, without fiscal year limitation.@ 42 U.S.C. ' 10601(c). It also undermines the commitment, made in recent years when a cap was introduced on annual grants, **Ato** ensure that a stable level of funding will remain available for these programs in future years.@ (Public Law 106-113, Conf. Report 106-479, Title VI, General Provisions, Sec. 620). Victims are challenged enough by their experiences. It would be an injustice to make the future of VOCA funding uncertain.

Preservation of the VOCA Fund is critical to our efforts to serve victims in our communities. Without the assistance provided through VOCA grants, we will be unable to provide the services necessary to help the victims of crime recover physically, emotionally, and financially. No victim of crime should be left without the means to overcome the horrific acts committed against them. Use of funds that directly connect

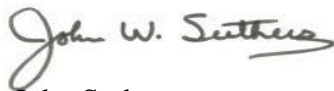
offenders to victims for general fund purposes should not be permitted because it minimizes both the responsibilities of offenders and the substantial injustices that must be overcome by victims.

In closing, we ask that Congress, through your leadership, fully fund state, territorial and local law enforcement programs to a level that allows states and territorial jurisdictions to build on the past results of the successful state/territorial/local/federal law enforcement partnership. While the Administration's budget request in each of the past two years has included no funding for Byrne JAG or COPS, Congress has continued to recognize the effectiveness and necessity of these programs by providing funding. Restoration of this funding will ensure that law enforcement agencies are able to maintain the core capabilities they need to protect their communities from the scourge of crime and violence. Moreover, we implore you to continue to fight for the victims of crime by safeguarding the Crime Victims Fund. We urge Congress to protect the existence of the VOCA Fund, maintaining a system whereby criminal offenders at the federal level support services to crime victims.

We urge you to preserve the connection between *offender-generated* revenues and the provisions to innocent victims by rejecting the proposed changes to the way in which programs for crime victims are funded.

Thank you for your consideration of our views.

Sincerely,



John Suthers
Attorney General of Colorado



Jim Hood
Attorney General of Mississippi



Jon Bruning
Attorney General of Nebraska



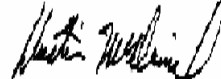
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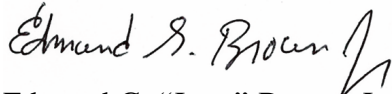
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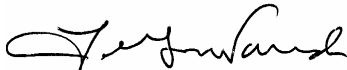
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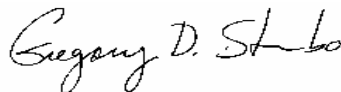
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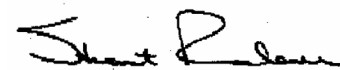
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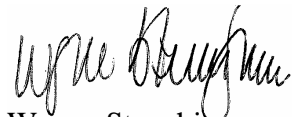
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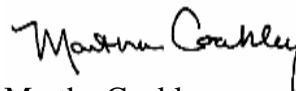
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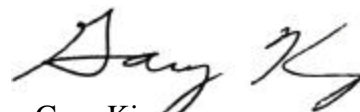
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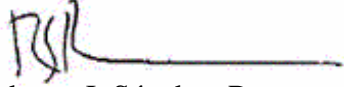
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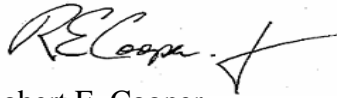
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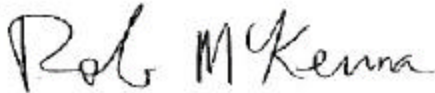
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CC:

The Honorable Robert C. Byrd
Chairman
Committee on Appropriations
U.S. Senate

The Honorable Barbara Mikulski
Chairman
Senate Commerce, Justice, Science and Related
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U.S. Senate

The Honorable David R. Obey
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Committee on Appropriations
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The Honorable Alan B. Mollohan
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House Commerce, Justice, Science and Related
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The Honorable Thad Cochran
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Committee on Appropriations
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The Honorable Richard Shelby
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The Honorable Jerry Lewis
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