

Statement of

The Honorable Russ Feingold

United States Senator
Wisconsin
December 17, 2009

Feingold Statement on PRECAUTION Act Amendment No. 09C45 to S. 678
Senate Judiciary Committee Executive Business Meeting
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Mr. Chairman, this amendment would add the Prevention Resources for Eliminating Criminal Activity Using Tailored Interventions in Our Neighborhoods Act, or the PRECAUTION Act, to this bill. It is a long name, but it stands for an important principle that it is better to invest in precautionary measures now than it is to pay the costs of crime both in dollars and lives later on.

The PRECAUTION Act is not new to this Committee. It was reported in July 2007 as part of Senator Feinstein's Gang Abatement and Prevention Act, and it was agreed to in the Senate and passed by unanimous consent in September 2007 as part of that bill. PRECAUTION remains a part of Senator Feinstein's gang bill, and it is also included in Senator Casey and Representative Scott's Youth Promise Act.

Even though recent reports show that crime rates have dropped in Milwaukee and in other urban areas, violent crime rates are still at intolerable levels for a civilized society. David Kennedy, director of the Center for Crime Prevention and Control at the John Jay College of Criminal Justice, reported in an August 2006 Washington Post article that, "State and local officials feel abandoned by the Federal Government. The Federal Government must return to its role as a real partner in conquering crime by providing funding and crafting effective approaches to key problems." Something must be done at the federal level to stem the tide of violence threatening our nation. Put very simply, we, as representatives of our constituents, have an obligation to act.

At the same time, we have an obligation to act responsibly. The Federal government must work in concert with state and local law enforcement, with the non-profit criminal justice community, and with other branches of state and federal government. While we have an obligation to provide leadership and support, we do not have the right to unilaterally take control from the state and local officials on the ground. We must also act wisely, investing our resources in crime-fighting measures that we are confident will work and whose effectiveness has been demonstrated. Sometimes, small and careful advances are the ones that yield the most benefit.

The PRECAUTION Act is based on the premise that the Federal Government should develop and disseminate knowledge to state and local officials regarding the newest and most effective law enforcement techniques and strategies, and it should provide financial support for innovations that our State and local partners cannot afford to fund on their own.

The PRECAUTION Act creates a nine member commission to wade through the sea of information on crime prevention and intervention strategies currently available and identify those programs that are most ready for replication around the country. Over taxed law enforcement officials need a simple, accessible resource to turn to that recommends a few, top-tier crime prevention and intervention programs. They need a resource that will single out those existing programs that are truly "evidence-based"-- programs that are proven by scientifically reliable evidence to be effective. And the commission created by the PRECAUTION Act will provide just such a report, one written in plain language and focused on pragmatic implementation issues, approximately a year and a half after the bill is enacted.

In the course of holding hearings and writing this first report, the commission will also identify some types of prevention and intervention strategies that are promising but need further research and development before they are ready for further implementation. The National Institute of Justice will administer a grant program that will fund pilot projects in these identified areas. The commission will follow closely the progress of these pilot projects, and at the end of the three years of the grant program, the commission will publish a second report, providing a detailed discussion of each pilot project and its effectiveness. This second report will include detailed implementation information and will discuss frankly both the successes and failures that arose over the course of the 3 years of the grant program.

The PRECAUTION Act answers a call put out by police chiefs and mayors from more than 50 cities around the country during a national conference hosted by the Police Executive Research Forum. According to a report on the event from the Forum, these law enforcement leaders agreed that while there is a desperate need to focus on violent crime in the law enforcement community, "other municipal agencies and social services organizations, including schools, mental health, public health, courts, corrections, and conflict management groups need to be brought together to partner toward the common goal of reducing violent crime." In the hearings held by the commission, these voices will all be heard. In the reports filed by the commission, these perspectives will be acknowledged. And in the pilot projects administered by the National Institute of Justice, these partnerships will be developed and fostered.

The PRECAUTION Act, though modest in scope, is an important supplement to the essential financial support the federal government provides to our state and local law enforcement partners through programs such as the Byrne Justice Assistance grants and the COPS grants. When State and local law enforcement receive federal support for policing, they have difficult decisions to make on how to spend those federal dollars. We all know that prevention and intervention are integral components of any comprehensive law enforcement plan. The PRECAUTION Act not only highlights the importance of these components, but will also help to single out some of the best, most effective forms of prevention and intervention programs available. At the same time, it will help to develop additional, cutting-edge strategies that are supported by solid scientific evidence of their effectiveness.

As Ted Kamatchus, President of the National Sheriffs' Association, testified at a hearing before the Senate Judiciary Committee, Subcommittee on Crime and Drugs in May 2007, "we need a coordinated national attack on crime, recognizing that there is no single 'silver bullet' solution.

Political rhetoric must not prevail over action." I urge my colleagues to listen to this advice and support adding this important provision to the JJDP.