

## CONGRESSWOMAN SHEILA JACKSON LEE OF TEXAS

### OPENING STATEMENT COMMITTEE ON THE JUDICIARY HEARING ON: EXAMINING SYSTEMIC MANAGEMENT AND FISCAL CHALLENGES WITHIN THE DEPARTMENT OF JUSTICE



- Thank you, Mr. Chairman for holding this hearing to focus on Office of Inspector General and Government Accountability Office reports addressing systemic management and fiscal challenges within DOJ.
- As the Ranking Member of the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations, let me offer my appreciation and thanks to witnesses, representatives from key government agencies:
  - 1) Michael Horowitz, *Inspector General*, Office of the Inspector General (OIG) at the Department of Justice (DOJ); and
  - 2) Diana Mauer, *Director*, Homeland and Justice Issues, U.S. Government Accountability Office (GAO).

GAO, the nonpartisan “watchdog” of Congress, conducts audits and reviews DOJ programs personnel, contractors and grant-recipient organizations, so that we in Congress may develop sensible reforms which ultimately make the American justice system better.

- I wish to highlight four areas which warrant the Committee’s continuing attention and support: 1) Law Enforcement, 2) Custody and Care of Federal Prisoners, 3) Grant Management and Administration, and 4) Sources of Alternative Funding for DOJ.
- OIG released an annual report in November 2016 identifying nine areas it believes to be of most concern in management and performance challenges facing DOJ:
  - 1) Safeguarding National Security and Ensuring Privacy and Civil Liberties Protections;
  - 2) Enhancing Cybersecurity in an Era of Increasing Threats;
  - 3) Managing an Overcrowded Federal Prison System in an Era of Limited Budgets and Continuing Security Concerns;
  - 4) Strengthening the Relationships Between Law Enforcement and Local Communities Through Partnership and Oversight;
  - 5) Helping to Address Violent Crime Through Effective Management of Department Anti-Violence Programs;
  - 6) Ensuring Effective Management and Oversight of Law Enforcement Programs and Promoting Public Trust;
  - 7) Monitoring Department Contracts and Grants;
  - 8) Managing Human Capital and Promoting Diversity With a Workforce Increasingly Eligible to Retire; and
  - 9) Using Performance-Based Management to Improve DOJ Programs.

## **Countering the Terrorist Threat**

- As a senior member of the Homeland Security Subcommittees Cybersecurity and Infrastructure Protection; and Counterterrorism and Intelligence, I appreciate that safeguarding national security and ensuring privacy and civil liberties protections are matters of utmost importance.
- I fully agree with the OIG that countering the terrorist threat is a serious concern as it relates to the national security of the United States and is a top priority of DOJ.
- The challenge remaining as we counter the threat of terrorism is appropriately striking the balance of safeguarding privacy and civil liberties.
- One of the exceptional challenges which DOJ faces is countering terrorist radicalization and recruitment to identify Homegrown Violent Extremists (HVEs) before they engage in terrorist acts.
- I am glad that OIG advocates that key to these efforts is the success with which DOJ develops and maintains the capability to identify individuals and organizations responsible for such intrusions.
- Protecting our virtual networks and people within our borders must remain among DOJ's highest priorities if we are to protect the nation against cyber intrusions.
- The challenge is detecting and deterring such intrusions before they happen rather than reacting after a successful cyber intrusion.

- The most dangerous of cyber threats include intrusions on our national security, our intellectual property, and our democratic system of government.
- For example, **the American intelligence community identified Russia's involvement in attacks intended to interfere with the United States election process.**
- Such multi-faceted threats require that DOJ continually develop relationships with the private sector, state and local law enforcement, and global partners to combat cyber threats.
- However, challenges exist with getting the private sector to share information about indicators of cyber threats with law enforcement.
- Information sharing among DOJ components as well as engagement with the private sector is crucial to ensuring that DOJ has the ability to lawfully access information and that DOJ understands the tools of online communication in order to counter the terrorist threat.
- In deference to our Constitution, it must be acknowledged that engaging and sharing information with the private sector presents a challenge in balancing security against global threats and privacy concerns.
- In today's global technology climate, DOJ is faced with the challenge of obtaining critical information from and about terrorists who communicate using encryption, while protecting the privacy interests of law-abiding individuals.
- Concerns about properly balancing security and privacy also present a challenge with leveraging emerging technologies that



provide law enforcement valuable information while safeguarding privacy.

- DOJ also faces challenges with protecting its own systems from attack.
- To mitigate threats to DOJ's system, Congress should heed OIG's guidance that increasing security awareness must continue.
- As threats and technology evolve, I encourage DOJ to continue to evaluate its national security efforts to appropriately safeguard the homeland and the privacy of its citizens.

### **Managing an Overcrowded Federal Prison System**

- The population of prisoners in DOJ's Federal Bureau of Prisons (BOP) dropped from nearly 220,000 inmates in 2013 to fewer than 195,000 inmates as of last August—due to various factors, including the Obama Administration's grants of clemency and charging policies.
- But, BOP continues to face several challenges in managing an overcrowded federal prison system while maintaining safety and security.
- BOP has the *second largest* budget of any DOJ component.
- Nevertheless, wasteful and unnecessary spending in the federal prison system impacts DOJ's ability to fund other operations such as critical programs that can more appropriately serve inmates, as well as law enforcement and national security missions.

- For this reason, cost-efficient management of the federal prison system is imperative and innovative solutions must be considered to contain costs.
- Such innovative solutions to contain costs include recruitment of medical professionals to eliminate staffing shortages which cause medical costs to rise, as discussed in a March 2016 OIG report.
- Additionally, ensuring inmates are released in a timely manner can reduce costs, as highlighted in a May 2016 OIG report.
- In addition, addressing issues such as physical and sexual abuse of inmates in federal prisons must be a priority for BOP to enhance the security of inmates, staff, and the general public, a particular challenge at **private and contract prisons**.
- DOJ must determine what is needed prior to soliciting contracts and fully evaluate all bids prior to awarding contracts.
- OIG has conducted audits which show that these procedures were not followed and found challenges in how BOP monitors contract prisons in that BOP has been unable to effectively ensure that contracted prisons are complying with policy and contract requirements in the areas of health and correctional services.
- An August 2016 OIG report found that private or contract prisons incur more safety and security incidents when compared to BOP institutions.
- Two weeks after OIG's report was issued, then Deputy Attorney General Sally Yates, issued a memorandum announcing DOJ's plan to phase out the use of private prisons.

- In phasing out private prisons, DOJ and BOP will need to carefully manage the inmate population to ensure overcrowding at BOP-run institutions does not occur.
- It should be noted, however, that Attorney General Jeff Sessions inexplicably rescinded that memorandum on February 21 of this year.
- In August 2013, DOJ launched the **Smart on Crime initiative** to encourage federal prosecutors to consider alternatives to incarceration in appropriate cases involving non-violent offenders.
- Diversion initiatives such as Smart on Crime can be used to impact inmate population numbers, thus I echo OIG's report suggesting that DOJ would benefit from a more precise measurement of the success varying pretrial diversion programs.
- BOP reentry programs like the **Release Preparation Program** (RPP), require updated performance metrics to determine the success among inmates as well to achieve efficiency expectations.
- These reentry programs are critical to our shared success considering that our communities serve as the direct recipient and caretaker of 95% of formerly incarcerated persons reentering society.
- OIG guidance should usher us toward understanding the wisdom of Frederick Douglass who said: "It is easier to build strong boys than to repair broken men."
- As we evaluate oversight concerning the programs that impact inmate population we must do better and DOJ must recalibrate



fiscal and management practices to properly manage programs like the **Compassionate Release Program**.

## **Strengthening the Relationships between Law Enforcement and Local Communities**

- Serious questions have been raised about the relationship between law enforcement and local communities in light of recent shootings involving local law enforcement officers.
- According to OIG, DOJ can play a critical role in this area by:
  - 1) compiling accurate and complete data on law enforcement shootings,
  - 2) using grants to assist local law enforcement with hiring, equipment and training,
  - 1) providing oversight through pattern or practice investigations,
  - 2) investigating and prosecuting violations of federal civil rights laws, and
  - 3) providing support to communities in emergency situations.
- DOJ's challenge is addressing these areas with the limited commitment of the Attorney General and President of the United States.
- Additionally, DOJ has **struggled to collect data regarding officer-involved shootings because state and local agencies are not required to provide this type of data to the federal government.**
- Although efforts have been implemented to improve this, the challenge for DOJ is collecting and organizing the data collected to search for creative solutions.



- OIG states that another example of DOJ's challenge in this area is the primary reliance on partnerships with state and local law enforcement by offering grants for hiring, equipment, training and other efforts to improve police-community relations.
- These grants are offered through Community Oriented Policing Services (COPS), Office of Justice Programs (OJP), and the Office on Violence Against Women (OVW).
- Serving the vulnerable populations they were enacted to protect, DOJ programs must ensure that grant funds are spent wisely and that the grants maximize the impact in preventing violence between police and communities.
- For example, DOJ is experiencing a challenge in ensuring grant funds for body armor are being wisely spent as intended.
- DOJ's strategic plan identifies combating violent crime as a priority goal and there are several DOJ initiatives to accomplish this.
- DOJ must work through these critical issues in using its limited resources to strengthen relationships between law enforcement and local communities.
- It is essential for DOJ to be good stewards of anti-violence programs in an environment of limited resources.

## **Conclusion**

- DOJ continues to be challenged by its oversight responsibilities that affect the public's view of ethical standards within the department.

- Effective planning, management, and oversight must be balanced with public safety as well as the privacy and civil rights of citizens which require strong leadership, adept supervisors, and effective management.
- DOJ must uphold the highest ethical traditions because misconduct erodes the public's confidence in the integrity of law enforcement which could negatively impact DOJ prosecutions.
- Raising these vital concerns, I look forward to hearing from today's witnesses from OIG and GAO to delve deeper into suggested best practices to truly reform this country's gatekeeper against lawlessness and custodian of our most vulnerable—the Department of Justice.
- Thank you, Mr. Chairman. I yield back my time.