

STATEMENT OF
JOANNE W. SIMMS
DEPUTY ASSISTANT ATTORNEY GENERAL
JUSTICE MANAGEMENT DIVISION

BEFORE THE
SUBCOMMITTEE ON CIVIL SERVICE AND AGENCY ORGANIZATION
AND THE
SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY,
AND HUMAN RESOURCES

COMMITTEE ON GOVERNMENT REFORM
UNITED STATES HOUSE OF REPRESENTATIVES

CONCERNING

FEDERAL LAW ENFORCEMENT PERSONNEL IN THE POST 9/11 ERA

PRESENTED ON

JULY 23, 2003

Thank you for the opportunity to testify before your subcommittees as you examine issues affecting the law enforcement community. We appreciate your interest in these critical issues and look forward to working with you and our fellow law enforcement agencies going forward.

The Department of Justice

The Department of Justice employs close to 50,000 law enforcement employees, of which the primary occupational groups include criminal investigators and correctional officers. Our core law enforcement components

include:

- _ The Federal Bureau of Investigation (FBI);
- _ The Drug Enforcement Administration (DEA);
- _ The Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF);
- _ The U.S. Marshals Service (USMS); and
- _ The Bureau of Prisons (BOP).

The average age of our law enforcement employees is close to 39 years and, on average, the majority are college educated. Many of our employees have families, and most will generally experience several moves during the course of their careers. Our law enforcement workforce is assigned to offices in all 50 States, territories, and all over the world. Their working conditions run from the typical white collar office environment to a makeshift desk or lap top computer in the middle of the jungle in South America, to prisons and correctional facilities, courthouses and airplanes, and everything in between.

Compensation Issues

As a general rule, I think we can all agree that a consistent policy approach should be taken to managing law enforcement pay and benefits, as well as other work-related aspects, across the Federal government.

Comparable pay for comparable work should be one of our guiding principles. Cross-cutting missions and activities, particularly in the post 9/11 environment, increase the opportunities for law enforcement agencies and personnel to become aware of disparities in pay and benefits between segments of the Federal law enforcement community. As an example, one need only look at the well publicized start-up operation at the Transportation Security Administration (TSA), which resulted in considerable attrition within several law enforcement agencies. It appears this situation is righting itself, as TSA is now an operating entity and no longer needs to draw its workforce from other trained Federal law enforcement organizations.

This experience has been instructive and has reinforced our view, as well as others, that fair and consistent treatment of Federal law enforcement officers is essential in maintaining a stable and satisfied workforce. There are a few areas related to law enforcement compensation that merit attention.

- Pay: Law enforcement work is, by necessity, difficult and dangerous. The specific aspects of mission may vary among agencies. Some may focus on investigating terrorism, tracking dangerous fugitives, or enforcing the drug laws. Others enforce laws pertaining to alcohol, tobacco, firearms, and explosives, and still others manage prisoners in a variety of

correctional settings. All of our law enforcement personnel, however, may find themselves in situations where their personal safety and security is put at risk. A fair compensation approach using equal pay for the same types of law enforcement work as one of the guiding principles is essential. We must also have the ability to tie pay more closely to performance.

Mobility: Law enforcement officers are generally required to be mobile in the performance of their work, including facing repeated relocations throughout the course of their careers. For example, one component of the Justice Department has a policy to relocate its new agents after training, so each can begin his/her career with a fresh start in a locale that is not the one in which the agent grew up. In other cases, mobility is needed to respond to critical crime situations, such as the sniper attacks last fall, when 125 ATF agents and numerous FBI agents were brought to the metropolitan DC community to deal with this difficult and terrifying situation. Also, the career development process for managers and supervisors in law enforcement agencies requires them to have a wide variety of enforcement experiences, at the front-line as well as in headquarters, and necessitates a number of moves to achieve this level of experience. The amount of required mobility becomes a particular

concern for law enforcement officers, who may have to uproot their families to go from low cost to high cost areas or must move from locales which provide a wide range of services for families to locations where public services may be very limited or less desirable (e.g., school system differences, services for special needs children, or elder care).

Additionally, addressing affordable housing in high cost areas, and addressing reassignments to undesirable overseas locations are some of the issues that challenge our law enforcement human resource offices.

We have had some success in addressing some of our compensation issues:

- Public Law 107-273 (21st Century Department of Justice Appropriations Authorization Act), Section 207, enacted on 11/2/02, allows for the offer of an extended assignment bonus to law enforcement officers who remain beyond their original tour of duty in a U.S. territory or possession, Puerto Rico and the Northern Mariana Islands.
- The Department has had long standing quality of life issues for law enforcement personnel assigned to U.S. territories, particularly where

English is not the first language. Congress has assisted the Department in addressing these needs by authorizing house hunting trips for agents and their spouses, authorizing the use of an extended assignment bonus, and providing funding for a Community Liaison Office (CLO) in Puerto Rico which helps integrate agents and their families into the local culture and gain the necessary services which will encourage a willingness to stay beyond their initial appointment to the island. To date, the CLO has been very successful in helping agent families.

Reports

We are aware of, and in some instances provided information for, several studies that are collecting data and reviewing these issues. The recent report of the Office of Personnel Management (OPM) in this area is a comprehensive survey that includes data on all the principle law enforcement agencies. In our view, the OPM report will provide an excellent point of reference and basis for discussion as we continue to look at these issues and make recommendations for the future. We will continue to review these studies and anticipate participating in the discussion as we move forward.

Conclusion

As you know, our law enforcement employees do a superb job maintaining the security of our citizens and enforcing the rule of law. We are confident that you agree that they deserve the best support we can give them, as they perform their jobs on our behalf. Ensuring fair and equitable treatment in pay and benefits for all Federal law enforcement professionals is one essential component in maintaining a stable, satisfied and high performing workforce. Thank you again for the opportunity to appear before you. We look forward to working with you and our sister Departments and agencies on these important issues.