

Testimony of
The Honorable Eddie Jordan

District Attorney
District of New Orleans
September 17, 2003

Good afternoon, my name is Eddie J. Jordan, Jr. and I would like to thank the Senate Judiciary Committee for providing me with an opportunity to address you on the issue of "Combating Gang Violence in America: Examining Effective Federal, State and Local Law Enforcement Strategies."

Prior to addressing the issue I would like to take a few moments to introduce myself to you. I grew up in New Orleans, Louisiana.

I was awarded an academic scholarship to Wesleyan University in Middletown, Connecticut. After graduating from Wesleyan University I was awarded a scholarship to the Rutgers University School of Law. Upon graduation from law school in 1977, I became a member of the Pennsylvania bar and served as a clerk for the Honorable Clifford Scott Green, United States District Court Judge in the Eastern District of Pennsylvania, in Philadelphia.

Upon returning to Louisiana in 1981, I served as a law professor at Southern University School of Law in Baton Rouge, Louisiana and became a member of the Louisiana bar in 1982. Two years later, I returned to New Orleans to serve as an Assistant U.S. Attorney under then-U.S. Attorney John Volz. There, I specialized in the prosecution of narcotics cases involving multiple defendants and argued several appeals before the United States Court of Appeals for the Fifth Circuit.

In 1994, then-President Bill Clinton named me the U.S. Attorney in New Orleans, where I was the first African-American United States Attorney in Louisiana history. Under my leadership, the office successfully prosecuted hundreds of violent offenders, corrupt police officers, and most notably, powerful Louisiana political and business figures, including former Governor Edwin Edwards. I also launched an unprecedented number of crime prevention initiatives, including the nationally renowned Weed and Seed Program, which emphasized drug education, counseling and intervention. Subsequently, I retired from my position as U.S. Attorney in 2001 and returned to private practice to become of counsel to the firm of Rodney, Bordenave, Boykin and Ehret.

On November 5, 2002, I was elected District Attorney of New Orleans, making me the first African-American in the city to hold this position and the first new D.A. in 30 years.

Unfortunately, gang violence is increasing and it is evidenced in the number of homicides in New Orleans. Law enforcement officials routinely encounter problems whereby witnesses are being intimidated or killed because they come forward to testify in certain violent crime cases including murder, drug trafficking and gang violence. In 2001, there were 212 homicides in New Orleans, Louisiana and in 2002 that number increased to 257. If current trends continue the projected number of homicides for this year will exceed last year's number. So far this year, we have had 204 murders.

According to Tara C. Kowalski, witness intimidation has increased dramatically in recent years. In fact, the first half of [2001] saw a 50 percent increase in witness intimidation. Witness intimidation occurs when defendants or others acting on defendants' behalf make threats or

otherwise act to dissuade victims or eyewitnesses from testifying. Witness intimidation directly harms the witnesses involved; moreover, it adversely affects society as a whole, because without witnesses' testimony, prosecutors are powerless in prosecuting criminal offenses.

In New Orleans two witnesses who turned down offers by my office for assistance and relocation were murdered. In March 2003, a potential witness was killed near the eve of trial after refusing relocation on two occasions. While there was insufficient evidence to prove the death was a retaliatory killing, the timing of the killing raised suspicion of a possible link. Also, in May 2003 another potential witness who rejected assistance was killed, along with her companion shortly after testifying before a grand jury. Many victims and witnesses are reluctant to relocate because my office is not adequately funded. My office is doing all it can with limited resources. Adequate government financing would allow us to better assist victims and witnesses and make the alternative of relocation more appealing.

According to the National Alliance of Gang Investigators Association the gang problem has increased dramatically over the last 20 years. Membership in gangs has crossed all socioeconomic, ethnic, and racial boundaries and now permeates American society. We are all affected by gangs in terms of heightened fear, crime, and economic costs. Gang violence results in a decrease in public safety, community image, and quality of life.

The following are some of the more notable gang trends identified by the National Alliance of Gang Investigators in their assessment:

? Gangs are migrating from larger cities to smaller communities, a move fueled in large part by an increase in gang involvement in drug trafficking.

? Most gangs have members who are involved in drug trafficking to some extent, ranging from street-level sales to wholesale distribution. However, the level of drug trafficking by gang members varies regionally.

? Numerous law enforcement agencies report that some gangs involved in wholesale drug distribution have connections to major international drug trafficking organizations.

? While the overall violent crime rate has dropped nationwide, many smaller communities have experienced increases, sometimes double-digit increases, due to gang violence.

? Witness intimidation is dramatically affecting the prosecution of violent gang offenders.

? Incidents of gang-related violence and drug trafficking are being reported in record numbers on Indian Reservations.

? Gangs are disrupting many schools and have infiltrated businesses, the military, prisons, and law enforcement agencies.

? Gangs, for the most part, are unsophisticated with little or no hierarchical organizational structures; however, some are becoming much more organized and sophisticated, encompassing politics, technology (Internet), and the media.

? Young women are taking active roles in gangs, and gang-involved females are being incarcerated in increasing numbers.

Even our judicial system can be affected by street gangs by:

? Intimidation of witnesses;

? Intimidation of jurors;

? Homicides, involving witnesses, jurors, law - enforcement officers, rival gang members and judges; and

? Fights in and out of the court house.

My office has no funds budgeted or allocated for victim and witness assistance. Our Victim Witness Services Division was created in 1998. The Victim/Witness Services staff provides full

services to adult victims of certain state crimes, including, but not limited to the following: domestic violence, sexual assault, and stalking. Despite inadequate funding, the Victim/Witness Services staff provides assistance to witnesses of violent crimes who are in danger as a result of their willingness to testify in court. Staff members advocate for clients within the District Attorney's office, the legal system and in the community at large. The division also provides general services such as safety planning, relocation assistance, individual and group counseling, referrals to other resources in the community, obtaining stay away orders, crime reparations assistance, explaining victims' rights, monitoring of domestic violence court and court advocacy and liaison with the assistant district attorneys and the clients.

In the year 2002, the entire division serviced approximately 600 clients. From January, 2003 - July, 2003, the seven-person staff made a total of 1498 advocacy contacts on behalf of victims of domestic violence and permanently relocated a total of 53 witnesses.

Additionally, the average cost to temporarily house a family of four is \$365.00 per week, \$100.00 per week for food and \$50.00 per week for personal items. If permanent relocation is a necessity, the cost escalates upward to thousands of dollars. Listed below are typical charges to permanently relocate a family of four 500--800 miles from their current residence:

1. Airfare \$200.00 per person \$800.00
 2. Ground transportation 50.00
 3. Moving van \$1,500.00
 4. Security deposit on house/apartment \$900.00
 5. First month's rent on house/apartment \$900.00
- Total: \$4,150.00

Currently, the Victim/Witness Services Division does not have a budget, so these funds come from our general operating budget.

A coordinated approach is necessary to combat the gang violence and witness intimidation problems. Perhaps the creation of a multi jurisdictional task force should be utilized to address gang violence and witness assistance issues. As a result of my experiences as a chief federal prosecutor, I am aware that the federal government has a well-established pattern of joining with local and state officials to create multi jurisdictional task forces which have been used successfully in the apprehension of fugitives and the investigation of violent drug gangs. We must utilize this approach to combat the issue of witness intimidation.

I am requesting \$1 million in funding to address the issues of gang violence and witness intimidation. With these funds my office will upgrade technology, coordinate with federal and local authorities and finance our victim witness services division so that we may provide adequate assistance to those who testify in court proceedings.