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Department of Justice

STATEMENT

OF

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DEPUTY ASSOCIATE ATTORNEY GENERAL

BEFORE

THE

SUBCOMMITTEE ON CRIME
COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES

CONCERNING

IMPLEMENTATION OF THE ANTI-DRUG ABUSE ACT OF 1986

ON

APRIL 1, 1987

NCJRS

JUL 28 1987

ACQUISITIONS

I am pleased to testify this morning on behalf of the Department of Justice concerning implementation of the grants program to the states for drug enforcement that was created by the Anti-Drug Abuse Act of 1986.

As you know, Mr. Chairman, Subtitle K of the Act--the State and Local Law Enforcement Assistance Act of 1986--authorizes the Department's Bureau of Justice Assistance, an agency of the Office of Justice Programs, to "make grants to the States, for the use of States and units of local government in the States, for the purpose of enforcing State and local laws that establish offenses similar to offenses established in the Controlled Substances Act"

It also authorizes assistance for programs that improve the apprehension, prosecution, adjudication, detention, and rehabilitation of drug offenders; for eradication programs; treatment programs; and programs to focus on major drug offenders.

The Fiscal Year 1987 appropriation for the program is \$225 million, with the bulk of the funds--\$178 million--allocated for formula grants to the states. Each state is eligible to receive \$500,000, with the balance of funds allocated according to the state's relative population. States are required to match Federal funds by 25 percent and must pass through to local units of government a share of the total state allocation that is equal to the ratio of local criminal justice expenditures to total criminal justice expenditures in the state.

The Bureau of Justice Assistance has moved swiftly to implement this program. In doing so, BJA has been careful to obtain the maximum amount of input from Federal, state, and local agencies and to avoid Federal intrusiveness and red tape.

Early in November 1986, only a few days after the President signed the bill into law, BJA sent information describing the state and local aspects of the Anti-Drug Abuse Act to all governors, or equivalent chief executives, as well as to the directors of the state offices that administer the justice assistance block grant programs. Each governor was asked to designate a state office to administer the new drug control program. All 56 states and territories have now done so.

In December, draft formula grant guidelines and a question-and-answer document designed to help the states further understand the new program were sent for comment to all state chief executives, U.S. Attorneys, state offices administering the BJA grant programs, and interested private groups. BJA has reviewed those comments and is in the process of drawing up final guidelines for the formula grant program.

Also in December, BJA received the first state applications for administrative funds. On January 6, 1987, BJA announced the first awards of these administrative funds, totaling more than \$2.9 million, to seven states and the District of Columbia to allow these jurisdictions to begin to establish their federally-assisted drug law enforcement programs.

By March 23, 1987, 24 more of these administrative awards had been made. The total amount in administrative funds awarded so far is almost \$11 million. I have appended to my testimony a table showing the status of state applications for these administrative funds.

The administrative funds comprise 10 percent of the state's total allocation under the program. Before receiving its full award, the Act requires each state to submit to BJA a statewide strategy for enforcing its drug laws. This statewide strategy must be prepared in consultation with state and local drug officials.

To help the states design their enforcement strategies and effectively administer this new drug control program, BJA last month hosted three regional workshops--one here in Washington, one in Chicago, and one in San Francisco. The three-day workshops included a discussion of the administrative, financial, and reporting requirements under the new program, development of the statewide strategy, and development of programs for each of the eligible program purposes.

BJA expects to begin receiving the statewide strategies, accompanied by applications for the full funding, from states that have received their administrative awards now that the regional workshops have been completed. To date, however, no applications for full funding have been received. Once an application is received, BJA will complete the review process and make the award within 60 days, as required by the Act.

As you know, Mr. Chairman, the Act also authorizes BJA to administer a new discretionary grant program for drug control initiatives. The discretionary grant program is designed to enhance state and local efforts in drug control through national and multi-state programs in the legislatively defined purpose areas.

To help establish priorities for discretionary grants under the new drug control assistance program, BJA asked for recommendations from more than 800 agencies, including national criminal justice associations, state justice assistance administrative agencies, state attorneys general, state supreme court justices and administrators, state departments of corrections, Law Enforcement Coordinating Committees, and many state and local criminal justice agencies.

BJA also contacted other Federal agencies in an attempt to avoid duplication of effort and to identify drug programs that, based on research and evaluation, are likely to be successful.

Working groups of practitioners and national experts were established to review the recommendations received, to identify effective programs that were responsive to those recommendations, and to recommend funding priorities. The resulting program priorities reflect a strategy that is designed to assist and enhance state and local drug control efforts by:

--Developing drug data sources, disseminating drug data, and developing techniques for analyzing drug data for the purpose of defining the problem and assessing the impact and effectiveness of drug control efforts;

--Extending and disseminating programs of proven effectiveness to areas of need;

--Developing and testing the effectiveness of new programs and practices;

--Developing programs that focus on key areas of criminal justice dilemma and discretion; and,

--Providing training and technical assistance to assist with the implementation of effective programs and practices.

On March 19, BJA published a final notice requesting proposals for discretionary grant programs. These programs include:

--A Crack/Focused Substance Enforcement Program to improve the capability of law enforcement agencies to investigate and immobilize crack cocaine trafficking organizations.

--A Street Sales Enforcement Program to demonstrate effective police efforts to target street level narcotic dealers and buyers.

--An Asset Seizure and Forfeiture Program to provide operational training and technical assistance to local law enforcement and prosecution personnel to familiarize them with laws and procedures for asset seizure.

--A Problem-Oriented Approach to Drug Enforcement Program to create a coordinated response to the drug problem by law enforcement officials, medical facilities, schools, drug treatment facilities, and other organizations in a community.

--A Pharmaceutical Diversion Program to strengthen the role of law enforcement, professional licensing boards, and regulatory agencies in reducing diversion of legitimately produced controlled substances.

--A Comprehensive Drug Adjudication Program to deter drug offenses through swift identification and adjudication of drug users and traffickers.

--And an Organized Crime/Narcotics Trafficking Enforcement Program to develop regional enforcement projects to assist state and local law enforcement agencies through joint operations with Federal personnel and to target major organized crime narcotic trafficking conspiracies.

BJA expects to make the first discretionary grant awards in early summer.

I believe you will agree, Mr. Chairman, that the Bureau of Justice Assistance has done an admirable job of implementing the new state and local narcotics control assistance program quickly, efficiently, and with a minimum of red tape for participating state and local governments. The Department of Justice is confident that this Federal seed money will help state and local governments to coordinate and improve their drug enforcement efforts so that they can then continue to build upon these efforts with state and local funds.

As you are aware, Mr. Chairman, the Administration has requested no funds for this grant program for Fiscal Year 1988.

In crafting its Fiscal Year 1988 budget, the Department has taken care to ensure that adequate resources are provided for its core functions--those functions that can only be carried out on the Federal level. Scarce Federal dollars should be used for uniquely Federal functions, such as those critical programs carried out by the Bureau of Prisons, U.S. Attorneys, Marshals Service, Drug Enforcement Administration, and Federal Bureau of Investigation programs.

The Administration notes that Congressman Rangel has introduced a bill, H.R. 1411, that would increase the appropriations authorization for the state and local drug law enforcement program to \$675 million for Fiscal Years 1988 and 1989. We, of course, must oppose such a measure because of the increasing Federal deficit, and for the reasons I have mentioned. But let me assure you that we will continue to work closely with state and local governments in our fight against drugs.

As you know, Mr. Chairman, the Department already administers a major program that significantly assists the states in their drug enforcement efforts--the Asset Forfeiture Program. We believe the equitable sharing of assets seized from drug dealers and others and forfeited by them is a better way for the Federal Government to assist the states and localities.

Sharing for Fiscal Year 1986 is estimated at \$24 million, with an FY '87 projection to top \$30 million. Pursuant to your request, we have attached to this statement a state-by-state break-down of properties shared with state and local agencies.

When the President's FY '88 budget was prepared, this form of assistance for states and localities was taken into account. We believe this type of sharing should be the approach taken with regard to states and localities, and should replace the award of out-and-out Federal grants.

These types of grant programs were never intended to be sources of permanent, ongoing funding for local programs. And with the huge Federal deficit, we simply must look to other ways to support local programs without added costs to taxpayers whether that be equitable sharing of forfeited assets or new and aggressive forfeiture programs undertaken by the states themselves.

Thank you, Mr. Chairman. I would be happy to respond to any questions you or Members of the Subcommittee may have.

APPLICATIONS FOR ADMIN FUNDS UNDER THE DLE FORMULA PROGRAM (as of 3/23)
44 Applications Recd 32 Awards Signed \$ 10,829,351 = Awarded

STATE	APP RECD	STATUS	AMT OF APP	SIGND-OFF	AWD AMT	10% IF DIFFRNT
Alabama	12/8	PDMD 12/30	\$ 299,600	1/2/87	299,600	
Alaska						
Arizona	03/12	under review	247,800			
Arkansas						
Calfrnia	02/16	PDMD 02/26	1,686,600	3/13/87	1,686,600	
Colorado	02/19	*** PDMD 03/24	133,000			250,600
Conn.	02/9	PDMD 02/25	100,000	3/9/87	100,000	247,000
247,000						
Delawre	03/10	under review	88,600			
D. C.	12/5	PDMD 12/30	88,900	1/2/87	88,900	
Florida	02/10	PDMD 02/19	285,014	2/26/87	285,014	755,500
Georgia	01/23	PDMD 02/12	421,000	2/18/87	421,000	
Hawaii						
Idaho	12/5	PDMD 12/31	112,400	1/2/87	112,400	
Illinois	11/24	PDMD 12/31	536,000	1/2/87	536,000	766,000
Indiana	01/6	PDMD 01/20	391,300	2/2/87	391,300	
Iowa	12/4	PDMD 12/30	229,000	1/2/87	229,000	
Kansas	02/24	under review	202,100			
Kentucky	12/4	PDMD 12/30	281,300	1/2/87	281,300	
Louisana	03/23	under review	328,200			
Maine						
Maryland	02/02	*** PDMD 03/11(16)	322,600			
Masschst	02/17	*** PDMD 03/11(16)	411,400			
Michigan	01/23	PDMD 02/04	160,000	2/11/87	160,000	614,100
Minnsota	01/23	PDMD 02/04	310,300	2/25/87	310,300	
Miss.	12/16	PDMD 01/20	212,200	2/2/87	212,200	
Missouri	01/28	PDMD 02/06	280,177	2/17/87	280,177	362,200
Montana	12/30	PDMD 02/02	101,300	2/11/87	101,300	
Nebrska	12/9	PDMD 01/20	149,700	2/3/87	149,700	
Nevada	01/28	PDMD 02/27	36,000	3/9/87	36,000	108,100
N.Hamp	12/4	PDMD 01/20	111,900	2/3/87	111,900	
N.Jersey	03/10	under review	480,000			519,400
N.Mexico						
N.York	12/9	PDMD 01/20	1,153,900	2/5/87	1,153,900	
N.C.	12/18	PDMD 12/31	438,300	1/2/87	438,300	
N.Dakota	01/13(2/19)	under review	32,375			92,500
Ohio	11/14	PDMD 12/30	716,900	1/2/87	716,900	
Oklahoma	11/18	PDMD 1/9(14)	254,900	1/27/87	254,900	
Oregon						
Penn.	01/13	PDMD 02/06	785,800	2/17/87	785,800	
P.Rico						
R.I.	01/13	PDMD 02/20	110,100	3/2/87	110,100	

STATE	APP RECD		STATUS	AMT OF APP	SIGND-OFF	AWD AMT	10% IF DIFFRNT
S.C.	02/9	***	PDMD 03/02(16)	257,800			
S.D.							
Tenn.	02/17		PDMD 02/27	345,600	3/12/87	345,600	
Texas	02/10	***	PDMD 03/17	1,066,200			
Utah							
Vermont							
Virgn Isle	12/23		PDMD 01/20	56,700	2/3/87	56,700	
Virginia	12/18		PDMD 01/20	404,200	2/2/87	404,200	
Washngtn	01/7		PDMD 01/22	323,700	2/4/87	323,700	
W.V.	12/1		PDMD 1/9(14)	170,200	1/27/87	170,200	
Wiscnsn	01/13		PDMD 1/28	225,160	2/3/87	225,160	346,400
Wyomng							
Am Samoa	03/12		under review	52,000			
Guam							
NMarianas	12/15		PDMD 02/06	51,200	2/25/87	51,200	

Of the 56 offices designated to administer the anti-drug formula grant program, 48 are the same office that has been designated to administer the Justice Assistance Act block grant program.

The 8 states that have separate designated offices are:-

American Samoa - Iowa - Kansas - Maine - Maryland -

New Jersey - Tennessee - Vermont.

TOTAL SHARING DISBURSEMENTS, AS OF 2-12-87

State	DEA			FBI			INS			NON-DOJ		
	Cash (Value)	Property (Value)	TOTAL	Cash (Value)	Property (Value)	Sub-Total	Cash (Value)	Property (Value)	Sub-Total	Cash (Value)	Property (Value)	Sub-Total
Alabama	104,432	181,375	285,807	79,484	82,125	161,609	24,948	99,250	124,198	0	0	0
Alaska	20,510	29,240	49,750	20,510	29,240	49,750	0	0	0	0	0	0
Arizona	135,741	98,100	233,841	132,921	98,100	231,021	2,820	0	2,820	0	0	0
Arkansas	21,952	45,000	66,952	21,952	45,000	66,952	0	0	0	0	0	0
California	16,234,684	1,891,998	18,126,682	14,785,126	1,470,356	16,255,482	1,449,558	421,442	1,871,000	0	0	0
Colorado	12,051	43,625	55,676	1,070	36,975	38,045	10,981	6,650	17,631	0	0	0
Connecticut	445,668	433,713	879,381	400,218	350,909	751,127	45,390	82,804	128,194	0	0	0
Delaware	111,790	26,000	137,790	111,790	26,000	137,790	0	0	0	0	0	0
Dist. of Col.	0	3,595	3,595	0	0	0	0	0	0	0	0	3,595
Florida	535,711	808,821	1,344,532	535,711	748,821	1,284,532	0	60,000	60,000	0	0	0
Georgia	871,716	157,137	1,028,853	708,421	157,137	865,558	163,295	0	163,295	0	0	0
Hawaii	108,393	169,000	277,393	108,393	169,000	277,393	0	0	0	0	0	0
Idaho	0	2,650	2,650	0	1,325	1,325	0	0	0	1,325	1,325	0
Illinois	991,100	120,185	1,111,285	936,385	48,000	984,385	54,715	72,185	126,900	0	0	0
Indiana	61,778	33,425	95,203	52,748	33,425	86,173	9,030	0	9,030	0	0	0
Iowa	10,305	23,000	33,305	10,305	0	10,305	0	23,000	23,000	0	0	0
Kansas	0	21,200	21,200	0	21,200	21,200	0	0	0	0	0	0
Kentucky	190,021	16,650	206,671	0	3,000	3,000	0	13,650	13,650	0	190,021	190,021
Louisiana	532,823	288,880	821,703	532,823	270,880	803,703	0	9,000	9,000	9,000	9,000	0
Maine	53,640	0	53,640	53,640	0	53,640	0	0	0	0	0	0
Maryland	349,053	32,552	381,605	79,198	19,884	99,082	249,655	12,468	262,123	0	0	0
Massachusetts	67,700	472,875	540,575	38,900	472,875	511,775	28,800	0	28,800	0	0	0
Michigan	453,539	22,825	476,364	453,539	22,825	476,364	0	0	0	0	0	0
Minnesota	122,080	77,825	199,905	113,290	77,825	191,115	8,790	0	8,790	0	0	0
Mississippi	98,265	15,225	113,490	98,265	5,225	103,490	0	5,000	5,000	5,000	5,000	0
Missouri	857,535	234,496	1,092,031	819,558	166,450	986,008	37,977	58,646	106,023	0	0	0
Montana	0	3,600	3,600	0	2,500	2,500	0	0	0	1,100	1,100	0
Nebraska	65,582	8,950	74,532	8,384	4,000	12,384	57,198	4,950	62,148	0	0	0
Nevada	60,225	37,587	97,812	60,225	37,587	97,812	0	0	0	0	0	0
New Hampshire	34,019	0	34,019	34,019	0	34,019	0	0	0	0	0	0
New Jersey	34,662	38,600	73,262	34,662	35,500	70,162	0	3,100	3,100	0	0	0
New Mexico	42,500	18,525	61,025	42,500	0	42,500	0	18,525	18,525	0	0	0
New York	2,938,138	260,911	3,199,049	1,631,045	242,084	1,873,131	73,894	18,825	92,719	0	11,233,199	11,233,199
North Carolina	1,381,841	122,950	1,504,791	1,275,783	122,950	1,398,733	106,058	0	106,058	0	0	0
North Dakota	8,350	5,600	13,950	8,350	5,600	13,950	0	0	0	0	0	0
Ohio	231,291	14,950	246,241	158,728	2,950	161,678	72,562	12,800	84,362	0	0	0
Oklahoma	27,09	151,750	178,847	20,983	120,000	140,983	6,114	31,750	37,864	0	0	0
Oregon	346,853	162,231	509,084	346,853	139,656	486,511	0	22,375	22,375	0	0	0
Pennsylvania	1,235,102	44,900	1,280,002	1,223,102	44,900	1,268,002	12,000	0	12,000	0	0	0
Puerto Rico	0	0	0	0	0	0	0	0	0	0	0	0
Rhode Island	0	67,500	67,500	0	67,500	67,500	0	0	0	0	0	0
South Carolina	114,933	49,700	164,633	114,933	49,700	164,633	0	0	0	0	0	0
South Dakota	0	0	0	0	0	0	0	0	0	0	0	0
Tennessee	120,637	5,000	125,637	72,941	5,000	77,941	47,696	0	47,696	0	0	0
Texas	4,983,369	544,817	5,528,186	3,888,150	520,227	4,408,377	0	16,590	16,590	8,000	8,000	11,095,219
Utah	105,563	45,995	151,558	49,738	30,800	79,738	55,825	15,995	71,820	0	0	0
Vermont	37,453	20,575	58,028	37,453	20,575	58,028	0	0	0	0	0	0
Virginia	125,620	334,675	460,295	30,762	254,275	285,037	94,858	80,400	175,258	0	0	0
Washington	111,606	104,126	215,732	111,606	104,126	215,732	0	0	0	0	0	0
West Virginia	8,055	20,000	28,055	0	8,500	8,500	8,055	11,500	19,555	0	0	0
Wisconsin	347,459	69,742	417,201	286,894	23,000	309,894	60,565	45,742	107,307	0	0	0
Wyoming	10,725	0	10,725	10,725	0	10,725	0	0	0	0	0	0
TOTAL	34,761,508	7,382,076	42,143,584	29,542,885	6,197,409	35,739,494	2,700,984	1,156,647	3,857,631	0	24,425	24,425